

**Previous s.16 Application covering the Application Site**

**Approved Applications**

|   | <b><u>Application No.</u></b> | <b><u>Proposed Use</u></b>   | <b><u>Date of Consideration</u></b> | <b><u>Approval Reasons</u></b> |
|---|-------------------------------|--|-------------------------------------|--------------------------------|
| 1 | A/YL-HT/37                    | Agriculture use (growing of vegetables, flowers and fruit trees) and pond filling  | 19.12.1997                          | 1,2                            |
| 2 | A/YL-HT/838                   | Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years | 15.3.2013                           | 3-7,11-15                      |
| 3 | A/YL-HT/1010                  | Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years          | 18.3.2016                           | 3-10, 12-15                    |

**Approval Condition(s)**

1. The provision of drainage facilities.
2. The permission shall cease to have effect on 19.12.2000 unless prior to the said date either the development hereby permitted is commenced or the permission is renewed.
3. No night time operation.
4. No barbecue activity.
5. No public announcement system.
6. No filling of pond.
7. A clearance of at least 1.5m from the centerline of the existing water mains.
8. No vehicle is allowed to queue back to or reverse onto/from the public road.
9. Existing drainage facilities shall be maintained at all times.
10. The submission of a condition record of the existing drainage facilities.
11. The submission of a drainage proposal/provision of the drainage facilities.
12. The submission/implementation of the landscape proposal.
13. The submission/implementation of the fire service installations proposal.
14. Revocation clause.
15. Reinstatement clause.

**Rejected Applications**

|   | <b><u>Application No.</u></b> | <b><u>Proposed Use</u></b>   | <b><u>Date of Consideration (RNTPC/TPB)</u></b> | <b><u>Rejected Reasons</u></b> |
|---|-------------------------------|--|---|--------------------------------|
| 1 | A/YL-HT/290                   | Pond filling for Agriculture use (fruit trees, flowers nursery & vegetables cultivation) | 21.3.2003                                       | 1, 2                           |
| 2 | A/YL-HT/310                   | Planting fruit trees, flowers nursery & vegetables cultivation after Pond filling        | 25.7.2003                                       | 1-5                            |
| 3 | A/YL-HT/317                   | Planting fruit trees, flowers nursery & vegetables cultivation after Pond filling        | 29.8.2003                                       | 1-5                            |
| 4 | A/YL-HT/805                   | Temporary Organic Farm with Ancillary  | 4.1.2013  | 3-5                            |

| <u>Application No.</u> | <u>Proposed Use</u>  | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Rejected Reasons</u> |
|------------------------|--|--|-------------------------|
|                        | Education and Acitivity Centre and Small-scale Barbecue Spot for a Period of 3 Years | (TPB)                                    |                         |

1. The proposal involved permanent filling of fish ponds which would result in significant loss of flood storage. No technical assessment had been submitted to demonstrate that the proposed development would not cause adverse drainage impact on the adjacent area.
2. Part of the site fell within the proposed resumption limit of the Hang Hau Tsuen Channel and Associated Works Phase I Project. Approval of the application would pose constraint to the implementation of the project.
3. Not in line with the planning intention of the "CPA" zone. There was insufficient information in the submission to justify a departure from the planning intention.
4. There was insufficient information in the submission to demonstrate that there would be no adverse landscape impact on the surrounding area.
5. The approval of the application would set an undesirable precedent for similar applications within the "CPA" zone, the cumulative effect of which would result in a general degradation of the ecological value of the area.

**Advisory clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that The Site comprises Old Schedule Agricultural Lots held under Block Government Lease and New Grant Agricultural Lots which contain the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot 219 S.B and 224 S.C in D.D. 128 are covered by Short Term Waiver (STW) No. 4637 for temporary place of recreation, sports or culture (fishing ground) and ancillary refreshment kiosk use. Lot 221 in D.D. 128 is covered by STW No. 4638 for temporary place of recreation, sports or culture (fishing ground) and ancillary refreshment kiosk use. The Site is accessible from Deep Bay Road through both private lots and Government Land (GL). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site partly falls within "Sha Kong Miu (North) Site of Archaeological Interest" (AM98-0924). The Site does not fall within Shek Kong Airfield Height Restriction Area. The owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium of fee, as may be imposed by LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads. The local track leading to the Site is not under Transport Department's (TD) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (f) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize potential environmental nuisance to the surrounding area;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) the followings:
- (i) The applicant is advised that approval of landscape proposal does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works.
- (ii) The applicant is reminded of the importance of undertaking proper tree care for existing trees within the site. Useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:
- 護養樹木的簡易圖解:  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)
  - 樹木管理手冊:  
[https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)
  - 樹木風險評估及管理安排:  
[https://www.greening.gov.hk/tc/tree\\_care/tra\\_arrangements.html](https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html)
  - 護養樹木 保障安全:  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Chinese\\_Leaflet\\_Big\\_font\\_size\\_v1\\_2012\\_03\\_29.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)
  - 減低樹木風險的樹木護養簡易圖解  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)
- (iii) If replacement for existing tree is required, the Applicant may wish to consider other tree species with small mature size in lieu of *Ficus microcarpa* which has the characteristics of vigorous root system and large tree canopy in mature size.
- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) to note the comments of the Antiquities and Monuments Office (AMO) the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the applied use; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from the such activity / operation, the applicant should arrange disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.