

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

**Rejected Application**

	<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/805	Temporary Organic Farm with Ancillary Education and Activity Centre and Small-scale Barbecue Spot for a Period of 3 Years	4.1.2013 (TPB)	1-3

1. 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.
2. There was insufficient information in the submission to demonstrate that there would be no adverse environmental, drainage and landscape impacts on the surrounding area.
3. 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) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) 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 the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible from Deep Bay Road through Government Land (GL) and private lots. His office provides no maintenance works over the GL involved and does not guarantee any right-of-way to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The owner(s) of the lot(s) without Short Term Waiver will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. 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 the 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 or fee, as may be imposed by the LandsD;
- (d) 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 BA, they are unauthorized building works (UBW) under the Buildings 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 prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW under the BO. An Authorized Person should be appointed as the coordinator for the proposed 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 respectively. 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 Building (Planning) Regulation at the building plan submission stage;
- (e) 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;
- (f) 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;

- (g) 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;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the section 16 application by the Town Planning Board does not imply the approval of tree works such as felling/ transplanting or pruning under lease. Applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works;
- (i) 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;
- (j) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) the Site is at relatively low-lying area next to the coastline. The applicant should prepare himself/herself against possible seawater intrusion due to tidal effect and storm surge. The applicant proposed to discharge the stormwater to the existing ponds to the north of the Site. He/she should identify the owner of the said ponds and obtain consent from the owner prior to commencement of the proposed works. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap. Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (k) to note the comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB) the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the applied use.