

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

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Applied Use(s)/Development(s)</u></b>	<b><u>Zoning(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-LFS/252	Temporary Warehouse (Storage of Household Materials and Canned Food) (3 Year)	GB	11.10.2013 (reviewed on 14.2.2014)	1, 2, 3
2	A/YL-LFS/302	Temporary Place of Recreation, Sports and Culture (Hobby Farm and Fishing Ground) (3 Year)	GB	8.12.2017	1, 2

**Rejection Reason**

1. The proposed development is not in line with the planning intention of the "Green Belt" zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis
2. The proposed development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the Green Belt zone in that the development would affect the existing natural landscape in the area and the applicant has not demonstrated that the proposed development would not have any adverse drainage and traffic impacts
3. Approval of the application would set an undesirable precedent for similar open storage and warehouse use in the "GB" zone, the cumulative effect of which would result in a general degradation of the environment of the area.

**Similar s.16 Applications for Temporary Place of Recreation, Sports and Culture Uses  
within the same “GB” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-LFS/166	Temporary Hobby Farming (Organic Farm and Education Centre) (3 Years)	GB	14.12.2007 (revoked on 14.9.2008)	1, 2, 3, 4, 5, 6, 7
2	A/YL-LFS/172	Recreational Development (including Barbecue Spot, Refreshment Kiosk, Hobby Farming Fishing Ground, Children Playground and Ancillary Public Car Park)	GB & O (1)	7.3.2008	1, 3, 5, 6, 7, 8
3	A/YL-LFS/278	Temporary Place of Recreation, Sports or Culture (Hobby Farm) (3 Years)	GB	20.11.2015 (revoked on 8.1.2016)	1, 3, 5, 6, 7, 9, 10, 11, 12
4	A/YL-LFS/304	Place of Recreation, Sports or Culture and Shop and Services (including Barbecue Spot, Refreshment Kiosk, Hobby Farming and Children Playground)	GB & O (1)	6.4.2018	1, 2, 6, 7, 11, 12, 13, 14

**Approval Conditions**

1. The reinstatement of the application site to an amenity area.
2. No public announcement system, loudspeaker or any form of audio amplification system was allowed to be used on the site at any time.
3. No public vehicle park was allowed on the site at any time.
4. No vehicle, except private cars and coaches ancillary to the activities of the proposed development, was allowed to be parked on the designated ancillary car park at any time.
5. The submission of a revised Drainage Impact Assessment (DIA) the implementation and maintenance of the flood mitigation measures/provision of drainage facilities identified in the revised DIA.
6. The submission and implementation of landscape and tree preservation proposals.
7. The provision and implementation of fire service installations.
8. The submission and implementation of paving proposal.
9. No land filling or increase in site formation level is allowed on the site.
10. No operation between 7:30 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site.
11. No vehicle is allowed to queue back or reverse onto/from the public road at any time.
12. Provision of fencing.
13. No operation between 11:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the site.
14. Removal of the existing hard-paving on the site, except the refreshment kiosk, before operation of the proposed use.

**Rejected Applications**

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/31	Pond Filling and Development of Golf Driving Range with Ancillary Private Club, Conservation and Recreation Facilities	GB	18.12.1998 by TPB	1, 2, 3,4, 5
2	A/YL-LFS/127	Temporary Proposed Temporary Roller Skating Rink (3 Years)	GB	17.6.2005 by TPB	6,7

**Rejection Reasons**

1. The proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone for the area which was primarily to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development within this zone. No strong justification was given in the submission for a departure from the planning intention.
2. There was insufficient information in the submission to demonstrate that the proposed development would not have significant environmental, drainage and flooding impacts on the surrounding areas.
3. The proposed vehicular access arrangement for the proposed development was not acceptable.
4. There was insufficient information in the submission to explain why land in “Recreation” zone of the Outline Zoning Plan could not be made available for the proposed development.
5. Approval of this application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
6. The development does not comply with the Town Planning Board Guidelines for “Application for Development within Green Belt Zone” in that the proposed development involved extensive clearance of natural vegetation cover.
7. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas.

**Detailed comments of concerned Government departments**

**Detailed comments of Chief Engineer/Mainland North, Drainage Services  
Department (CE/MN, DSD)**

- (a) He has no objection in principle to the proposed application from drainage point of view. However, he has the following comments on the submitted drainage proposal:
- (i) The level of ground to the west of the Site is generally higher. The applicant should demonstrate in the drainage proposal how the overland flow is intercepted, diverted and discharged.
  - (ii) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands.
  - (iii) The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands.
  - (iv) The existing pond to which the applicant proposed to discharge the stormwater from the Site was not maintained by his office. The applicant should obtain consent from the pond owner prior to commencement of the proposed works.
  - (v) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
  - (vi) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel.
  - (vii) Consideration should be given to provide grating for the surface channels.
  - (viii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
  - (ix) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
  - (x) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
  - (xi) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
  - (xii) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
  - (xiii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
  - (xiv) 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.

**Advisory Clauses**

- (a) prior planning permission should be obtained before commencing the development on the Site;
- (b) note the comments of the District Lands Officer/Yuen Long of Lands Department (LandsD) that the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structure are allowed to be erected without the prior approval of the Government. No permission is given for occupation of the Government Land (GL) of about 97m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of the GL without Government's prior approval is not allowed. The Site is accessible to Tin Yuet Road through GL only. She provides no maintenance works for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on Site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application 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 LandsD;
- (c) note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP) issued by the Environmental Protection Department;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories of Transport Department that the applicant shall remind visitors to arrive the Site by using public transport services;
- (e) note the comments of the Chief Highway Engineer/New Territories West of Highways Department (HyD) that the applicant should maintain the capacity and functionality of the drainage channel across the proposed access point or run-in/out. Besides, adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and nearby public road;
- (f) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal:
  - (i) The level of ground to the west of the Site is generally higher. The applicant should demonstrate in the drainage proposal how the overland

- flow is intercepted, diverted and discharged.
- (ii) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands.
  - (iii) The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands.
  - (iv) The existing pond to which the applicant proposed to discharge the stormwater from the Site was not maintained by his office. The applicant should obtain consent from the pond owner prior to commencement of the proposed works.
  - (v) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
  - (vi) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel.
  - (vii) Consideration should be given to provide grating for the surface channels.
  - (viii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
  - (ix) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
  - (x) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
  - (xi) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
  - (xii) 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.
  - (xiii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
  - (xiv) 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.
- (g) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the approval of the landscape proposal by the TPB under S.16 application does not imply the approval of the tree works such as pruning, transplanting and felling under lease. Tree work applications should be submitted direct to DLO for approval;
- (h) note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant would implement necessary measures to avoid causing disturbance or pollution to the adjacent pond and the nearby Hong Kong Wetland Park;
- (i) note the comments of the Chief Building Surveyor/New Territories West of Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, 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 BD's 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 and land filing) 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 co-ordinator 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 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 Building (Planning) Regulations at the building plan submission stage; and

- (j) note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant has to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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. 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.