

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

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/39	Recreational Uses including Barbecue Spot, Playground, Refreshment Kiosk, Visitor Centre, Public Car Park & Ancillary Uses	GB & V	14.5.1999	5, 6, 16, 17, 18, 25
2.	A/YL-LFS/56	Proposed Recreational Development including Garden, Fishing Ground, Barbecue Spot, Refreshment Kiosk, Public Car Park with Ancillary Facilities	GB & O(1)	28.7.2000	5, 6, 16
3.	A/YL-LFS/166	Proposed Temporary Hobby Farming (Organic Farm and Education Centre) for a Period of 3 Years	GB	14.12.2007 (revoked on 14.9.2018)	1, 2, 3, 4, 5, 6, 7, 24, 25
4.	A/YL-LFS/172	Proposed Recreational Development (Including Barbecue Spot, Refreshment Kiosk, Hobby Farming, Fishing Ground, Children Playground and Ancillary Public Car Park)	GB & O(1)	7.3.2008	2, 4, 6, 7, 8
5.	A/YL-LFS/278	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	GB	20.11.2015 (revoked on 8.1.2016)	2, 5, 6, 7, 9, 10, 11, 12, 13, 24, 25
6.	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, 6, 7, 11, 12, 13, 14, 15, 24, 25
7.	A/YL-LFS/311	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	GB	3.8.2018	6, 7, 12, 13, 15, 19, 20, 21, 22, 23, 24, 25

Approval Conditions

1. No use of public announcement system, loudspeaker or any form of audio amplification system.
2. No parking of public vehicle was allowed on the site at any time.
3. 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.
4. The submission of the revised Drainage Impact Assessment.
5. The implementation and maintenance of the flood mitigation measures/provision of drainage facilities.
6. The submission and implementation of landscape and/or tree preservation proposal.
7. The submission and/or implementation of fire services 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 7:30p.m. and 9:00a.m. is allowed on the site.
11. No vehicle is allowed to queue back or reverse onto/from the public road at any time.
12. The provision of fencing (with erection of the “no-entry” sign by the pond).
13. The submission and implementation of a (revised) drainage proposal.
14. No operation between 11:00p.m. and 11:00a.m. is allowed on the site.
15. Removal of the existing hard-paving on the site, except the refreshment kiosk/the portion as proposed by the applicant, before operation of the proposal use.
16. The provision of sewage treatment and disposal facilities/provision of sewerage impact assessment.
17. The provision of emergency vehicular access and fire safety facilities.
18. The submission and implementation of the layout of the car park.
19. No operation between 6:00p.m. and 9:00a.m. is allowed on the site.
20. The provision of ingress/egress.
21. The provision of toilet.
22. No use of public announcement system is allowed on the site.
23. The maintenance of the implemented drainage facilities on the site.
24. Revocation clauses.
25. Reinstatement clause.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning(s)</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 Recreational Facilities	GB	18.12.1998 (on review)	1, 2, 3, 4, 5
2.	A/YL-LFS/127	Temporary Roller Skating Rink for a Period of 3 Years	GB	17.6.2005 (on review)	6, 7

Rejection Reasons

1. The proposed development at the applications site was 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" ("REC") 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 traffic, drainage and landscape impacts on the surrounding areas.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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. No permission is given for occupation of the Government Land (GL) of about 182m² 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 Deep Bay Road through GL. Her office does not guarantee any right-of-way over the GL to the Site and provides no maintenance work for the GL involved. 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, 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. Furthermore, 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. Applications of 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 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) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site;
- (d) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to properly dispose of the sewage from the proposed mobile toilet to avoid overflow. The applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by the Environmental Protection Department;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the flow adjacent areas. The peripheral surface channels should be constructed at adequate level such that surface runoff can be effectively intercepted;
- (g) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted

with dimensions and nature of occupancy. 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;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that the approval of the application by the Board does not imply the approval of tree works (such as felling/transplanting or pruning) and/or requirements under lease. Tree works applications should be submitted direct to DLO for approval;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that 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 they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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) 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. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. For any waste generated from the such activity / operation, the applicant should arrange its disposal properly at her own expenses.