

**Previous s.16 Applications Covering the Site**

**Approved Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Zoning</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-PN/22	“CPA”	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	23.1.2009	1, 2, 3, 4, 5, 9
2	A/YL-PN/36	“CPA”	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	1.6.2012	1, 2, 3, 4, 5, 6, 7, 9
3	A/YL-PN/44	“CPA”	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	20.11.2015	1, 2, 3, 4, 5, 8, 9

**Approval Conditions**

- (1) No night-time operation.
- (2) Submission of a landscape proposal with perimeter tree planting.
- (3) Implementation of the landscape proposal.
- (4) Submission of fire service installations proposals.
- (5) Provision of fire service installations.
- (6) Submission of a run-in/out proposal.
- (7) Implementation of a run-in/out proposal.
- (8) No vehicle is allowed to queue back to or reverse onto/from public road.
- (9) Revocation clauses.

**Similar s.16 Applications for Temporary Recreation Use (Fishing Ground)  
within the same “CPA” zone on the Sheung Pak Nai and Ha Pak Nai OZP**

**Approved Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Zoning</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-PN/28	“CPA”	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	2.9.2011	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13
2	A/YL-PN/39	“CPA”	Renewal of Planning Approval for Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	22.8.2014	1, 2, 5, 6, 9, 10, 11, 12, 13
3	A/YL-PN/50	“CPA”	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	8.9.2017	1, 2, 3, 4, 5, 6, 9, 10, 12, 13

**Approval Conditions**

- (1) No night-time operation.
- (2) Provision of a waterworks reserve within 1m from the centreline of the affected water mains within the site.
- (3) Submission of a landscape proposal and tree preservation proposal.
- (4) Implementation of the landscape proposal.
- (5) Submission of fire service installations proposals.
- (6) Provision of fire service installations.
- (7) Submission of a run-in/out proposal.
- (8) Implementation of a run-in/out proposal.
- (9) Existing drainage facilities on the site should be maintained.
- (10) Submission of the condition record of the existing drainage facilities on-site.
- (11) Maintenance of existing trees on the site.
- (12) No vehicle is allowed to queue back to or reverse onto/from public road.
- (13) Revocation clauses.

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Zoning</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Rejected Reasons</u></b>
1	A/YL-PN/48	“CPA”	Proposed Temporary Place of Recreation (Fishing Ground) with Ancillary Vehicle Park and Office for a Period of 3 Years	28.7.2017	1, 2, 4
2	A/YL-PN/53	“CPA”	Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground)	18.5.2018	1, 3

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejected Reasons</u>
			for a Period of 3 Years		

Rejection Reasons

- (1) The “Coastal Protection Area” (“CPA”) zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. The proposed development is not in line with the planning intention of the “CPA” zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The applicant fails to demonstrate that the proposed development would not generate adverse environmental, ecological, landscape and traffic impacts on the surrounding areas.
- (3) The applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas.
- (4) Approval of the application would set an undesirable precedent for similar applications in the “CPA” zone, encouraging ‘destroy first, build later’ activities. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape quality in 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 application site (the Site);
- (c) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that Lot 93 in D.D. 135 is a New Grant Agricultural Lot held under Tai Po New Grant No. 2725. The New Grant contains the restriction that no building of any description shall be erected on the lot (without the prior approval of the Government). The Site is accessible from Nim Wan Road through Government Land (GL) and a private lot. 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 does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) of the lot without any 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. 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 Commissioner for Transport that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's 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 the access arrangement should be commented by Transport Department. 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 Nim Wan Road;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to adopt appropriate measures to prevent disturbance or environmental hygiene problems that may affect the nearby fishponds and fish culture activities, intertidal mudflat/mangrove as well as the Pak Nai Site of Special Scientific Interest (SSSI) during the operation of the proposed fishing ground, for example fencing the Site for clear demarcation to prevent visitors' intrusion into the nearby fishponds and mudflat/mangrove habitats;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department

(CE/MN, DSD) that the applicant is reminded to ensure that the applied use would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas.

- (i) to note the comments of the Director of Environmental Protection (DEP) 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; 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/operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity/operation, the applicant should arrange disposal properly at her own expenses. Proper licence/permit issued by his Department 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.