

Previous Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/15	Rural Theme Park	31.1.1997 on review	(1), (2), (3), (4), (5)

Approval Condition(s):

- (1) Provision of a taxi layby near the entrance to the development.
- (2) Implementation of the upgrading of the existing vehicular access road.
- (3) Provision of an emergency vehicular access.
- (4) Provision of fire hydrants along the emergency vehicular access/street fire hydrant with adequate flow and pressure or a 245m³ capacity water tank with associated pumping facilities at the application site.
- (5) Submission and implementation of drainage impact assessment and the implementation of flood mitigation measures and provision of drainage facilities.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises Government land (GL) and Lot No. 2030 in D.D. 117 held under New Grant No. 19 for agricultural purpose. No permission is given for occupation of GL (about 159m² subject to verification) included in the Site. Attention should be drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible from Tai Tong Shan Road via GL and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. Her office will not consider to regularise the existing structures erected on the lot which are subject to the Building Authority's (BA) order dated 18.10.2018 under section 24(1) of Cap. 123 as the BA has ordered the lot owner to demolish two structures erected on and over the lot. The lot owner(s) will need to apply to her office to permit the structures to be erected. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, you should either exclude the GL portion from the Site or apply for a direct grant Short Term Tenancy for use of the Site. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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 her department;
- (d) to note the comments of the Commissioner for Transport that sufficient space within the Site should be provided for manoeuvring of vehicles. No parking of vehicles on public road is allowed. The land status of the access road/path/track leading to the Site from Tai Tong Shan Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Shan Road. Also, adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (f) to note the comments of the Director of Environmental Protection that given the nature of the proposal, potential noise nuisance as well as odour from the proposed use could be a concern if there are sensitive receivers nearby and if the facilities are not properly designed and maintained. The applicant is advised to properly design and maintain the facilities and follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any potential environmental nuisance. Suitable mitigation measures should also be implemented to minimise potential noise and odour

nuisance. It is your obligation to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures. Moreover, effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. For the proposed septic tank and soakaway system, its design and construction should follow the requirements of the Practice Note for Professional Person 5/93 "*Drainage Plans subject to Comment by the Environmental Protection Department*". The facilities should be properly designed and maintained to minimise any potential environmental nuisance, e.g. the proposed structures for animal boarding establishment should be enclosed with provision of 24-hour mechanical ventilation and air conditioning system.

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I), any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from her department. The establishment and ancillary facilities which is licensed under the Cap 139I must always fulfil the criteria listed in the Regulations. The dogs kept should be properly licensed as in accordance with Cap. 421 Rabies Ordinance. Cap. 169 Prevention of Cruelty to Animals Ordinance should be observed at all times. Necessary measures should be adopted to avoid causing pollution or disturbance to the adjacent watercourse during operation;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the application, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (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 Director of Food and Environmental Hygiene that his department's facilities will not 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 his department is required if there is any catering service/activities regulated by him 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 disposal properly at their own expenses. Any animal carcass/parts shall be properly wrapped or bagged before disposal; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (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 unauthorised building works (UBW) under the 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 filling) are to be carried out on the Site, prior approval and consent of

the BD should be obtained, otherwise they are UBW. An Authorised Person 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 (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 B(P)R at the building plan submission stage. If the proposed use under application is subject to issue of a license, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.