

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

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration by RNTPC/TPB</u></b>	<b><u>Rejection Reasons</u></b>
1.	A/YL-MP/17	Public Car/Lorry Park	28.2.1997 Rejected by RNTPC	1-4
2.	A/YL-MP/117	Temporary Open Storage of Vehicles for a Period of 3 Years	25.4.2003 Rejected by RNTPC	1, 3 & 4

**Main Rejection Reasons**

- (1) Being not in line with the planning intention of the “Village Type Development” (“V”) zone.
- (2) The application site was not suitable for use as a public car/lorry park because of its elongated configuration and narrow road frontage.
- (3) No information to demonstrate that the proposed development would not generate adverse traffic, drainage, sewerage, visual and environmental impacts.
- (4) Being not compatible with the nearby village settlements/ Approval would set an undesirable precedent for other similar applications within the “V” zone.



**Recommended Advisory Clauses**

- (a) Prior planning permission should have been obtained before continuing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no structures are allowed to be erected without prior approval from his office. The applicant will need to apply to his office to permit the structures to be erected or regularize any irregularity on the Site, if any. Given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for 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 rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) that:
  - (i) the Site is connected to the public road network via a section of a private road which is not managed by the Transport Department (TD). The land between the Site and the existing footpath is not managed by TD. The applicant should clarify the land status of the local access road, access right of land and occupation of Government land with LandsD and to clarify the management and maintenance responsibilities of the local access road with the relevant lands and maintenance authorities; and
  - (ii) proper run-in/outs should be provided with design standard complying with the requirements of the Transport Planning and Design Manual;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that (i) the proposed access and run-in/run-out arrangements of the Site from Fairview Park Boulevard should be approved by TD; (ii) if the proposed access and run in/out arrangements are agreed by TD, the applicant should provide the run in/out at Fairview Park Boulevard in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; (iii) part of Fairview Park Boulevard is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the part of Fairview Park Boulevard maintained by HyD; and (iv) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Director of Environmental Protection that the applicant is advised to strictly comply and follow the relevant requirements including:
  - (i) the requirement stipulated in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”; and

- (ii) effluent discharges from the Site are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under WPCO shall be obtained before a new discharge is commenced. If septic tank and soakaway system is proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" with certification by an Authorized Person;
- (f) to note the comments of the Director of Fire Services that:
- (i) in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval;
  - (ii) 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 be clearly marked on the layout plans; and
  - (iii) 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) as there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, BD is not in a position to offer comments on the suitability for the use proposed in the application;
  - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are unauthorized building works (UBW) under BO and should not be designated for any proposed use under the subject application;
  - (iii) for UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with the 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 BO;
  - (iv) 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 BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
  - (v) 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; and

- (vi) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
  - (i) if any facility of the Food and Environmental Hygiene Department (FEHD) is affected by the development, FEHD's prior consent must be obtained. Re-provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re-provisioned facilities to FEHD;
  - (ii) if provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas, etc., is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD; and
  - (iii) if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

