

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning Under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-NSW/2	Proposed Driving School (Permanent)	Unspecified Use (a) (b)	18.10.1991 (3 Years)	1, 2, 3, 4

(a) Rezoned from "Unspecified Use" under DPA Plan No. DPA/YL-NSW/1 to "R(D)" on the draft Nam Sang Wai OZP No. S/YL-NSW/1 on 3.6.1994

(b) Rezoned to "OU(CDWRA)" on the draft Nam Sang Wai OZP No. S/YL-NSW/7 on 9.12.2005

Approval Conditions:

1. Provision of a detailed drainage impact assessment and the carrying out of drainage works as well as mitigation measures and subsequent maintenance
2. Provision of sewage and surface run-off collection, treatment and disposal facilities
3. Provision and construction of the proposed access road and its junction with Po Yip Street
4. The proposed number of learner drivers and the design of the training routes to the satisfaction of the Commissioner for Transport or of the Town Planning Board

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning Under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/DPA/YL-NSW/25	Residential Development	"R(D)" (b)	26.9.1997 by TPB	1, 2, 3, 4, 5
2.	A/YL-NSW/189	Proposed Temporary Container Tractor/Trailer Park for a Period of 3 Years	"OU(CDWRA)"	30.4.2010 by TPB	6, 7, 8

(b) Rezoned to "OU(CDWRA)" on the draft Nam Sang Wai OZP No. S/YL-NSW/7 on 9.12.2005

Rejection Reasons

1. As the site is outside the new town boundary, the proposed plot ratio and building height are excessive in the area which is intended for low-density and low-rise development
2. The traffic impact assessment is inadequate to demonstrate that the proposed development would not cause adverse traffic impacts on the area

3. The currently planned road network is not intended to cater for the subject development and there would be insufficient capacity to accommodate the traffic generated from the proposed development
4. The feasibility of the long-term sewage disposal facilities has not been satisfactorily addressed
5. Approval of the application would set an undesirable precedent for similar applications, especially on the remaining "Residential (Group D)" ("R(D)") zone on the draft Nam Sang Wai OZP in which the application site falls, the cumulative effect of which would overtax the infrastructure provision in the area
6. the proposed development was not in line with the planning intention of the "OU(CDWRA)" zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there was no strong planning grounds to justify a departure from the planning intention even on a temporary basis
7. the development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no previous planning approval for a similar use at the site; there were adverse comments from Government departments and objections from members of the public; and environmental nuisance was expected
8. the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "OU(CDWRA)" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
- (i) the Site involves 2 private lots and adjoining GL. The Site involves portion of Lot No. 1212 S.B RP in D.D. 115 and the whole of Lot No. 1212 S.C ss.3 RP in D.D.115 in which they should be used for agricultural purpose under General Conditions of Government Notification No. 365 of 1906, Special Conditions of GN 697 of 1909 and GN 278 of 1911;
 - (ii) According to MLP, the Site covers a narrow strip of GL at its south-western portion abutting Shan Pui Road and a piece of GL at its north-western portion abutting the Chung Yip Road (the “said government land”). Both GL are currently unleased and unallocated GL. The applicant advised that the GL of about 1,870 m² mentioned in para. 2.2.1 of the Planning Statement (PS) refers to the “said government land”;
 - (iii) According to the PS and TIA, two vehicular accesses of the Site were proposed at Chung Yip Road and Shan Pui Road. Shan Pui Road is currently maintained and managed by HyD and TD respectively. As for Chung Yip Road, it is a non-exclusive Right-of-way (“ROW”) delineated as Brown Area under Short Term Waiver (“STW”) No. 1781 held by the owner of the Lot No. 1347 RP in D.D. 115. Chung Yip Road is currently not maintained or managed by HyD or TD respectively. According to the STW No. 1781, the owner of Lot No. 1347 RP in D.D. 115 shall uphold, maintain and repair the ROW and shall be responsible for the whole. However, the grant of such ROW shall not give the owner the exclusive right to use the access road. The Government reserves the right to grant rights-of-way over such access road to the owners of any other lots in the vicinity or to take over the whole or any portion of the ROW for the purpose of a public street or to other owners to whom rights-of-way over the whole or any portion of the such access road may have been granted. As such, there is no guarantee that the proposed vehicular access points could be connected to the Chung Yip Road, and the applicant may wish to approach relevant parties to obtain respective access rights.
 - (iv) According to proposed salt water supply layout, there would be salt water facilities connecting to the Chung Yip Road. There is no guarantee that the proposed salt water facilities could be connected to the Chung Yip Road;
 - (v) The owners / applicant are required to apply to LandsD for STT (for the GL) and Waiver (for the private lot), if appropriate, for the proposed scheme. However, there is no guarantee that the said application, including the granting of any GL (if any), will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at our discretion, and if it is approved will be subject to such terms and conditions including among others, the payment of such appropriate fees as may be imposed by LandsD.

- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) as follows:
 - (i) HyD shall not be responsible for the maintenance of any access connecting the Site and Shan Pui Road;
 - (ii) If the proposed run-in/out is agreed by TD, the applicant should provide the run in/out at Shan Pui Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; and
 - (iii) adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
 - (i) before any new building works (including containers/open sheds as temporary buildings, demolition, land filling and excavation, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BD 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 the BO;
 - (iii) 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) Regulation (B(P)R) respectively;
 - (iv) 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 B(P)R at the building plan submission stage;

- (v) for features applied to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building set back, building separation and site coverage of greenery as stipulated in PNAP APP-152; and
 - (vi) detailed checking under BO will be carried out at building plan submission stage.
- (f) to note the comments of the Director of Fire Services (D of FS) as follows:
- (i) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) The EVA provision at the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) as follows:
- (i) If any FEHD's facility 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 FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to us;
 - (iii) 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 us;
 - (iv) No environmental nuisance should be generated to the surroundings. Also, for any waste generated from the operations and works, the project proponent should arrange its disposal properly at their own expenses; and
 - (v) If the captioned project will lead to significant population increase, sufficient amount of recurrent costs must be provided to FEHD in order to provide various types of environmental hygiene services for increased population, such as inspection to food premises, hawker control, handling of complaints, etc.

