

Previous s.16 Applications covering the Application Site

Rejected s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1.	A/YL-ST/150	Temporary Vehicle Park for Container Trailer/Tractor, Lorry and Private Car for a Period of 3 Years	10.11.2000 Rejected/not agreed by RNTPC	(1), (2), (3)
2.	A/YL-ST/301	Temporary Public Vehicle Park (Private Cars and Lorries) for a Period of 3 Years	11.8.2006 Rejected on review by TPB 22.5.2007 Appeal dismissed	(1), (3), (4)

Rejection Reasons

- (1) The development was not in line with the planning intention of the "Green Belt" ("GB") zone which was to define the limits of urban development areas by natural features and to contain urban sprawl. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) The development was not compatible with the rural character of the surrounding area and in particular to the nearby village settlements of Chau Tau and Pun Uk Tsuen as the movement of heavy vehicles would cause nuisance to the environment and the residents.
- (3) There was insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic and landscape impacts on the surrounding areas.
- (4) The approval of the application would set an undesirable precedent for other similar applications within the "GB" zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) the planning permission is given to the developments/uses under application. It does not condone any other developments/uses which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such developments/uses not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
 - (i) 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;
 - (ii) no permission is given for occupation of GL of about 226m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28.3.2017; and
 - (iii) the STW holder will need to apply to his office for modification of the STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity 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. 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 applications will be approved. If such applications are 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;
- (d) to note the comments of Commissioner for Transport (C for T) that the Site is connected to Lok Ma Chau Road via a section of a local access which is not managed by Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) as follows:

- (i) 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;
 - (ii) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Lok Ma Chau Road;
 - (iii) if the proposed run-in/out is agreed by TD, the applicant should provide the run-in/out at Lok Ma Chau 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;
 - (iv) the applicant shall be responsible for any modification of the existing street furniture for the proposed run-in/out. The proposed modification works should be submitted to TD/HyD for comments before commencement of the modification works; and
 - (v) the proposed run-in/out location may affect the existing slope. The proposed slope modification works should be submitted to HyD for comments and demarcation of the slope to be maintained by the applicant should be indicated before commencement of the modification works;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant is reminded that 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
 - (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) 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 the 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 the BO;
 - (iv) 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

- (v) 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 the B(P)R at the building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
 - (i) the Site (in part) was under previous planning applications No. A/YL-ST/150 and 301, both rejected by the Board on 10.11.2000 and 11.8.2006. Under the current application which is considered as a new case, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/ catchpits/ outfalls and ground levels justifying waterflow, etc.) with supporting design calculations and charts should be included (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf or https://www.dsd.gov.hk/TC/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
 - (ii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
 - (iii) the applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
 - (iv) no public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained;
 - (v) the applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future; and
 - (vi) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times;
- (i) to note the comments of Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that part of the Site falls within the works limit of the "Development of Lok Ma Chau Loop – Main Works Package 1" project and would be resumed for the implementation of the project; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that 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.

