

Previous Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/I-TCV/14	Temporary Wholesale Trade (Wholesale Vegetable Market) with Ancillary Warehouse and Office for a Period of 3 years	26.5.2020	(1), (2), (3)

Rejection Reasons

- (1) The applied use is not in line with the planning intentions of “Village Type Development” (“V”) and “Residential (Group C)2” (“R(C)2”) zones. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.
- (2) The applicants fail to demonstrate that the applied use will not have adverse environmental and sewerage impacts on the surrounding areas.
- (3) Approval of the application would set an undesirable precedent for similar applications within the “V” and “R(C)2” zones. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment and landscape character of the area.

Applications on the Tung Chung Valley Outline Zoning Plan

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/I-TCV/15	Proposed Temporary Agricultural Use with Ancillary Storage Use for a Period of 3 Years	4.9.2020	(1), (2)

Approval Conditions

- (1) The submission and implementation of a drainage proposal and maintenance of implemented drainage facilities
- (2) The submission and implementation of a fire service installations and water supplies proposal for firefighting

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/I-TCV/1	Temporary Warehouse for Storage of Construction Materials for a Period of 5 Years	22.12.2017	(1), (9), (13)
2	A/I-TCV/2	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(2), (10), (13)
3	A/I-TCV/3	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(3), (10), (13)
4	A/I-TCV/4	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(2), (10), (13)
5	A/I-TCV/5	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(4), (9), (13)
6	A/I-TCV/6	Temporary Open Storage of Construction Materials for a Period of 3 Years	9.2.2018	(5), (9), (13)
7	A/I-TCV/7	Temporary Open Storage of Construction Materials for a Period of 3 Years	9.2.2018	(6), (9), (13)
8	A/I-TCV/9	Temporary Warehouse (Storage of Daily Necessities), Shop and Services (Retail Shop) with Ancillary Office for a Period of 3 Years	21.6.2019	(5), (11), (13)
9	A/I-TCV/10	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	21.6.2019	(5), (12), (13)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
10	A/I-TCV/11	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	21.6.2019	(7), (12), (13)
11	A/I-TCV/12	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	2.8.2019	(5), (12), (13)
12	A/I-TCV/13	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	2.8.2019	(8), (12), (13)

Rejection Reasons

- (1) The proposed development will frustrate the planning intention of the site for road use. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis.
- (2) The proposed development will frustrate the planning intention of “Other Specified Uses” annotated “River Park” (“OU(River Park)”) zone. There is no strong planning justification in the submission to support the departure from the planning intention, even on a temporary basis.
- (3) The proposed development will frustrate the planning intentions of the site for road use and “OU(River Park)” zone. There is no strong planning justification in the submission to support the departure from the planning intentions, even on a temporary basis.
- (4) The proposed development is not in line with the planning intention of “Residential (Group C)2” (“R(C)2”) zone and will frustrate the planning intention of the area for road use. There is no strong planning justification in the submission to support the departure from the planning intentions, even on a temporary basis.
- (5) The proposed development is not in line with the planning intention of “Village Type Development” (“V”) zone. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis.

- (6) The proposed development is not in line with the planning intention of "R(C)2" zone. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis.
- (7) The proposed development is not in line with the planning intention of "V" zone and will frustrate the planning intention of the "Other Specified Uses" annotated "Stormwater Attenuation and Treatment Ponds" zone. There is no strong planning justification in the submission to support the departure from the planning intentions, even on a temporary basis.
- (8) The proposed development is not in line with the planning intention of "V" zone and will frustrate the planning intention for road use. There is no strong planning justification in the submission to support a departure from the planning intentions, even on a temporary basis.
- (9) The applicant fails to demonstrate that the proposed development will not have adverse landscape and visual impacts on the surrounding areas.
- (10) The applicant fails to demonstrate that the proposed development will not have adverse ecological, landscape and visual impacts on the surrounding areas.
- (11) The applicant fails to demonstrate that the proposed development will not have adverse environmental impact on the surrounding areas.
- (12) The applicant fails to demonstrate that the proposed development will not have adverse environmental and landscape impacts on the surrounding areas.
- (13) Approval of the application, even on a temporary basis, would set an undesirable precedent and encourage other applications for similar developments in the surrounding areas. The cumulative effect of approving such applications would result in a general degradation of the rural environment and landscape character of the area.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the permission is given to the use(s) and development under application. It does not condone any other use(s) and development which currently exist on the Site but not covered by the application. The applicants shall be requested to take immediate action to discontinue such use(s) and development not covered by the permission;
- (c) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the Lots at the Site are demised for agricultural purposes under the Block Government Lease. No structure(s) shall be erected on the Lots without LandsD's prior approval. If the planning application is approved, the applicants should apply to LandsD for approval for the proposed temporary structures, including the septic tank and soakage pit system. Such application will be processed by LandsD in the capacity of a landlord and approval, if granted, will be subject to such terms and conditions, including payment of fees, as may be imposed by LandsD. There is no guarantee that such application would be approved. The applicants should also be reminded that if such application would be approved/granted by LandsD, it may not be approved within the compliance periods of the approval conditions under the planning application;
- (d) to note the comments of the Commissioner for Transport that the existing access roads in the vicinity of the Site are not managed by the Transport Department;
- (e) to note the comments of the Director of Environmental Protection that there is no public sewer in the vicinity of the Site. The proposed septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirement of the Practice Note for Professional Person (ProPECC) PN 5/93 and are duly certified by an Authorized Person (AP). All wastes generated from the applied use should be appropriately disposed of in accordance with the Waste Disposal Ordinance (Cap. 354). The applicants should be responsible for arranging proper collection/disposal of the wastes either by Food and Environmental Hygiene Department (FEHD) collection service if available or other refuse collectors to ensure the wastes are properly disposed of. Besides, the applicants are advised to implement appropriate environmental measures recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize environmental nuisances;
- (f) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance is to be generated in the Site and the operation of the applied use should not cause any adverse impact on the surroundings. The applicants should be advised that trade waste delivered to the refuse collection point(s) under FEHD's management shall not exceed 100 litres in capacity. For disposal of dangerous waste or trade waste exceeding 100 litres in capacity, the applicants shall arrange direct disposal to the refuse transfer station under the management of the Environmental Protection Department. The refuse generated from the operation of the proposed use

should be properly disposed of. Besides, relevant food licence and/or permit should be obtained prior to the commencement of the activity proposed by the applicants if the operation of the activity or the food products to be sold fall within definition/categories stipulated in the Food and Business Regulation (Cap.132X);

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the planning application does not imply approval of tree works such as felling, transplanting or pruning under lease. Applicants are reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicants should ensure that no discharge from the Site is diverted to Tung Chung Stream located to the west of the Site;
- (i) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD) that the Site is within an area where neither stormwater nor sewerage connection maintained by DSD is available in the vicinity at present. The applicants should be advised that adequate drainage works should be provided such that no adverse drainage impact would be induced to the areas in the vicinity and stormwater generated would be prevented from entering rivers/streams;
- (j) to note the comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department (BD) that for any existing structures erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. If the applied use under application is subject to the issue of a licence, please be reminded that 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. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. As 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)Rs at the building plan submission stage;
- (k) to note the comments of the Director of Fire Services that EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by the BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.