

**Similar S.16 Applications for Temporary Shop and Services
within/partly within the “Recreation ” zone in the vicinity of the Site
in the Man Kam To Area**

Rejected Application

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-MKT/1	Proposed Temporary Shop and Services (Metal Hardware Retail Shop) and Ancillary Office for a Period of 3 Years	15.7.2016	R1

Rejection Reasons

- R1 The application was not in line with the planning intention of the “Recreation” zone in the Man Kam To area which was primarily for recreational developments for the use of the general public, and encourages the development of active and/or passive recreation and tourism/eco-tourism. There was no strong planning justification provided in the submission for a departure from the planning intention, even on a temporary basis.

Recommended Advisory Clauses

- (a) to note DLO/N, LandsD's comments on the following:
- (i) the Site comprises private lots Nos. 788 and 792 in D.D 82 which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make his own arrangement and there is no guarantee that any adjoining Government land (GL) will be allowed for the vehicular access of the proposed use;
 - (ii) it is noted that 5 structures including one structure for toilet use will be erected on the Site, the applicant should note that any proposed septic tank and soakage pit system should meet the current health requirements, and has to apply for Certificate of Exemption (Drainage Works) from her office before any works starts; and
 - (iii) if the planning application is approved, the owner(s) of the lots concerned shall apply to his office for a Short Term Waiver (STW) to cover all the actual occupation area. The application for STW will be considered by the Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, the commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by her office;
- (b) to note C for T's comments on the following:
- (i) the applicant should provide the following information in the traffic impact assessment:
 - the applicant should advise and substantiate the traffic generation and attraction from and to the Site and the traffic impact to the nearby road links and junctions;
 - the applicant shall justify the adequacy of the parking spaces and loading/unloading spaces so provided by relating to the number of vehicles visiting the Site;
 - the applicant should confirm if any coach would visit the Site and if coach parking spaces would be provided;
 - the applicant should advise the width of the vehicular access;
 - the applicant should provide a scale drawing showing the layout of the Site and proposed parking spaces and loading/unloading spaces;
 - the applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the Site, manoeuvring within the Site and into/out of the parking and loading/unloading spaces, preferably using the swept path analysis;
 - the applicant shall advise the management/control measures to be implemented to ensure no queuing of vehicles outside the Site; and
 - the applicant shall advise the provision and management of pedestrian facilities to

ensure pedestrian safety;

(c) to not CHE/NTE of HyD's comment on the following:

- (i) the proposed access to the Site from Ping Che Road will pass through a piece of area which covers both private lot (Lot 796 RP in D.D 82) and unallocated GL. The applicant is required to sort out the land issues with relevant lot owner and land authority; and
- (ii) a cut-off channel should be provided along the site entrance area to prevent surface water running from the Site to the nearby public roads and drains;

(d) to note DEP's comments on the following:

- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)";
- (ii) in view that temporary toilet and office are proposed, generation of sewage may be anticipated. There is public sewerage near the Site. Should the application be approved, the applicant is required to connect the proposed use to the nearby public sewer for sewage disposal as per CoP;
- (iii) the applicant should also be reminded of his obligation to strictly comply with all environmental protection/ pollution control ordinances in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant measures given in the EPD's latest CoP, during construction and operation stages of the proposal;
- (iv) the applicant should also be reminded that necessary precautionary/ pollution control measures should be put in place to prevent any pollution of nearby waterbodies/ watercourse during construction and operation phases; and
- (v) additional mitigation measures on water quality are suggested below for the applicant's considerations:
 - drainage outlets provided in all the covered areas (including offices, toilets, covered carparks, cargo storage and selling floors) within the Site should be discharged to foul sewer; and
 - drainage serving open carparks and open lorry loading and unloading areas within the Site should be connected to stormwater drains via a petrol interceptor that would allow stormwater bypass during peak flow periods;

(e) to note CE/MN, DSD's comments on the following:

- (i) the Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3 m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
- (ii) in the submission of drainage proposal, the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in the submission with the implementation of necessary mitigation measures, the project will not cause an

unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;

- (iii) the applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction;
 - (iv) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the Site any time during or after the works; and
 - (v) if the surface runoff is to be discharged to Ping Yuen River, the applicant is required to propose a means in their drainage proposal to remove or screen the contaminated runoff before allowing it to enter into DSD's stormwater drainage system. The removal or screening facilities such as the last manhole, desilting trap, petrol interceptor and the like (for a storage compound of building materials, preferably a desilting trap) should be maintained by the applicant and shall be available for Government inspection upon demand, and its clearance action shall be enforceable by Government upon demand;
- (f) to note CE/C, WSD's comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note D of FS's comments on the following:
- (i) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
 - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note DFEH's comments on the following:
- (i) proper licence/permit issued by his Department is required if there is any food business/catering service/ activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation, Cap. 132X, a food business licence is required for the operation of the relevant type of food businesses listed in the Regulation; and
 - (ii) the operation of the business should not cause any environmental nuisances and/or hygiene problems at the Site and its vicinities. The operator of the Site is responsible for the removal and disposal of nay trade waste generated from the commercial activities at their expenses;

- (i) to note DAFC's comments to perform good site practice so as not to pollute the watercourse nearby; and
- (j) to note CBS/NTW, BD's comments on the following:
 - (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BA 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;
 - (iii) any temporary shelters or converted containers for storage or office or toilet or shop and service or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations;
 - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations 5 and 41D respectively;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Regulation 19(3) at the building plan submission stage; and
 - (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage.