

Previous S.16 Applications

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-TKLN/29	Proposed Temporary Warehouse and Open Storage of Containers for a Period of 3 Years	17.1.2020	R1 - R3
A/NE-TKLN/31	Proposed Temporary Logistics Warehouse for a Period of 3 Years	6.3.2020	R3 – R5

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone, which was intended primarily for low-density recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- R2 The applicant failed to demonstrate in the submission that the proposed development would not cause adverse traffic impact on the surrounding areas.
- R3 The approval of the application would set an undesirable precedent for similar applications within the same “REC” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- R4 The proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone which was intended primarily for low-density recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments might be permitted subject to planning permission. There was no strong planning justification for a departure from such planning intention, even on a temporary basis.
- R5 The applicant failed to demonstrate that the proposed development would not cause adverse traffic and drainage impacts on the surrounding areas.

Recommended Advisory Clauses

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/uses which currently exist on the Site but not covered by the application;
- (b) to note the following comments of DLO/N, LandsD:
- (i) the application lots are old Schedule lots held under the Block Government lease (demised for agriculture use) without any guaranteed right of access. The applicant should make its own arrangement for acquiring access, and there is no guarantee that any adjoining Government land (GL) will be allowed for the vehicular access of the proposed use;
 - (ii) the existing structures on the Site were erected without approval from his office and are not acceptable under the leases concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
 - (iii) the proposed development indicates that land filling works would be carried out on the Site. The applicant should take precautionary measures to restrict the scale of land filling activity so as to ensure no private lots/ GL adjacent to the Site would be disturbed;
 - (iv) it is noted that the proposed entrance of the Site is in close proximity to the Frontier Closed Area Boundary (**Plan A-2**). The applicant should relocate the vehicular access; and
 - (v) should the application be approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The applications for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (c) to note the following comments of C for T:
- (i) the applicant should provide the following information/ measures for his consideration:
 - the applicant should advise 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 so provided by relating to the number of vehicles visiting the Site;
 - the applicant shall provide the layout of the Site including the Site access and places for parking and loading/unloading;
 - the applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the Site and manoeuvring within the Site, 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;
- the applicant shall advise the width of the vehicular access;
- the applicant shall assess if the existing public transport provisions could cater for the demand of the visitors to the Site;
- the applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety; and
- the applicant shall advise the measures in preventing illegal parking by visitors to the Site;

(d) to note the following comments of CHE/NTE, HyD:

- (i) the Site would encroach onto the project limit of the PWP Item No. 854TH “Widening of Eastern Section of Lin Ma Hang Road (LMHR) between Tsung Yuen Ha and Lin Ma Hang” undertaken by his department;
- (ii) the construction works for PWP Item No. 863TH “Widening of Western Section of LMHR between Ping Yuen River and Ping Che Road” has commenced in February 2020 and is anticipated to be completed by end of 2023. Whilst the proposed development may attract traffic travelling along the Western Section of the LMHR, the applicant should advise if it will cause any adverse traffic impact to the whole section of LMHR; and
- (iii) the applicant should submit a plan showing the vehicular access arrangement;

(e) to note the comments of CTP/UD&L, PlanD that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation clauses/ conditions under the lease. The applicant should seek comments and approval from the relevant authorities as appropriate before commencement of development;

(f) to note the following comments of DEP:

- (i) the applicant should demonstrate the environmental acceptability of the proposed development during the construction and operation stages, in particular on noise, water quality, sewage treatment/ disposal, and waste management/ land contamination, and provide further detailed information and justifications in the form of an Environmental Assessment (EA). Other environmental issues including air quality should also be addressed;
- (ii) as golf driving range is proposed in the submission, there may be a possibility that the proposed project might constitute a Designated Project (DP) under Environmental Impact Assessment Ordinance (EIAO) Schedule 2 Part I Items O.1 “*An outdoor golf course and all managed turf areas*”. The applicant is requested to provide further details to facilitate his consideration. If the project is confirmed to be a DP under EIAO, an Environmental Permit (EP) is required before the construction and/or operation of the DP according to Section 9 of the EIAO; and

- (iii) it is noted that there is no existing/ planned public sewer in the vicinity of the Site. Should there be any sewage/ wastewater arising from the operation of the application, effective sewage/ wastewater treatment and disposal measures should be proposed. If septic tank and soakaway is proposed, its design and construction should follow the requirements of ProPECC 5/93. The Percolation Test and Minimum clearance requirements stated in ProPECC PN5/93 should be fully complied with and duly certified by consulting engineer/ Authorized Person (AP);
- (g) to note the following comments of CE/MN, DSD:
- (i) the applicant should assess and identify the potential drainage impacts of the proposed development and demonstrate in the submission with the implementation of necessary mitigation measures that it would not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
 - (ii) the applicant should show the existing discharge location to which the applicant proposes to discharge the stormwater from the Site for his information;
 - (iii) the applicant should check and demonstrate that the existing drainage channel downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the proposed development. The applicant should also demonstrate that the flow from the Site will not overload the existing drainage system;
 - (iv) the applicant should ensure and show in his submission 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. Catchment areas, the flow direction, formation level and the existing ground level of the adjacent lands should also be provided for his reference;
 - (v) the applicant is required to provide sectional views of the proposed development showing clearly any walls would be erected or kerbs would be laid along the boundary of the development, the proposed and existing drainage facilities, flow direction, the existing ground level of the adjacent lands and the formation level of the Site for his consideration;
 - (vi) the applicant is required to provide photos showing the conditions of the Site and the adjoining areas, the existing drainage facilities and the proposed final discharge point for his information. The applicant should submit a plan indicating the locations of the camera and directions of all photos taken; and
 - (vii) the Site is in an area where no public sewerage connection is available;
- (h) to note the following comments of D of FS:
- (i) in consideration of the design/ nature of the proposed development, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSI to be

installed should be clearly marked on the layout plans; and

- (ii) 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;
- (i) to note the comments of CE/C, WSD 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; and
- (j) to note the following comments of CBS/NTW, BD:
 - (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 unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action may be taken by 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 washroom or workshop or other uses are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
 - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the B(P)Rs respectively;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5 m, its development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs 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 building plan submission stage.