

**Similar S.16 Application for Temporary Public Vehicle Park
(Private Cars Only) and Filling of Land
within the “Green Belt” zone in the vicinity of the Site
in the Wo Keng Shan Area**

Rejected Application

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-WKS/13	Partial Filling of Land and Pond for the Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	26.6.2020	R1 – R4

Rejection Reasons

- R1 The proposed temporary development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- R2 The proposed development was not in line with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the existing natural landscape had been affected.
- R3 The applicant failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas.
- R4 The approval of the application would set an undesirable precedent for similar applications within the same “GB” zone. 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 applied use at the Site;
- (a) to note the following comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
 - (i) the lot is an Old Schedule lot held under Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make her own arrangement of 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 development schedule indicates that portable toilets will be erected on the Site. The applicant should note that any proposed toilet facilities should meet current health requirements;
 - (iii) the applicant should take precautionary measures to restrict the scale of land/pond filling activity so as to ensure no private lot(s)/GL adjacent to the Site would be disturbed. Besides, the applicant should also comply with all the land/pond filling requirements imposed by relevant Government department(s), if any;
 - (iv) it is noted that the vehicular access to the Site would route through Lot 1276 RP. The applicant should make its own arrangement for acquiring access with the lot owner concerned;
 - (v) should the planning application be approved, the owner of the Site shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its 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 his office.
- (b) to note the comments of the Commissioner for Transport (C for T) that the vehicular access outside the Site is not managed by Transport Department. The applicant should seek comment from the responsible party;
- (c) to note the following comments of the Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD):
 - (i) the existing access road and Ng Chow Road are not maintained by his office; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (e) to note the following comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area. In their submission, the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in their 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;
 - (ii) the Site is in an area where no public sewerage connection is available; and
 - (iii) the applicant should take note of the following when submitting the drainage proposal:
 - since the subject development may also collect the existing flow from the adjoining lots, the applicant should consider including the catchment areas of these lots in the analysis;
 - the applicant should demonstrate in his proposal 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 now works, including any site formation works, shall be carried out as may adversely interfere with the surface runoff from the adjacent lots and also 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;
 - if the stormwater drainage facilities of the development site would be connected to any existing drainage facilities, the applicant shall check and demonstrate in their submission that the proposed drainage works and their downstream drainage systems have the adequate capacity and are in good conditions to accommodate the surface runoff collected from the application site and its upstream catchments such as Lot 1275 RP in D.D. 79. He should also demonstrate that the flow from this site will not overload the existing drainage system. The applicant shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary;
 - the Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3m 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; and
 - the applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction.
- (f) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (i) before any new building works / proposed site formation works to be carried out on the Site, prior approval and consent of Building Authority (BA) should be obtained, otherwise they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator 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 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 washroom or workshop or other uses are considered as temporary buildings are subject to the control of Pt. VII of the Building (Planning) Regulations (B(P)Rs);
 - (iv) the Site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)Rs) 5 and emergency vehicular access shall be provided under B(P)Rs 41D;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the BA under B(P)Rs 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;
- (g) to note the following comments of the Director of Fire Services:
- (i) 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
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site' issued by the Director of Environmental Protection (DEP) in order to minimize any possible environmental nuisances and observe the Water Pollution Control Ordinance to avoid any pollution to the existing concrete water channel to the immediate south of the Site.