

**Previous Rezoning Requests**

**Rejected Applications**

<b>Rezoning Request No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
Z/NE-LK/2	Request for Amendment to Draft Luk Keng and Wo Hang Outline Zoning Plan No. S/NE-LK/7 from "Agriculture" and "Village Type Development" to "Comprehensive Development Area"	30.7.2004	R1 – R5
Z/NE-LK/3	Request for Amendment to Approved Luk Keng and Wo Hang Outline Zoning Plan No. S/NE-LK/8 from "Agriculture" to "Comprehensive Development Area"	28.1.2005	R1, R5 – R7

**Rejection Reasons**

- R1        The proposed development was not in line with the general planning intention for the area which was to enhance natural conservation of countryside, to preserve natural landscape and features of ecological significance and site/structures of archaeological/historical significance, and to promote the conservation of the rural character of the area, with a view to controlling urban sprawl and preserving agricultural land. The retention of the "Agriculture" zoning was considered appropriate.
- R2        The subject site was generally undisturbed agricultural land comprising some other habitats like natural streamcourse and important habitats such as fung shui woods behind Ha Wo Hang and the adjoining natural lowland forests located in its vicinity. There was insufficient information in the submission on the potential ecological impacts arising from the proposed development and to demonstrate the feasibility of the proposed mitigation measures.
- R3        The proposed development would aggravate the prevailing traffic situation in the area. There was insufficient information in the submitted traffic impact assessment to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas.
- R4        There was insufficient information in the submission to demonstrate the acceptability of the proposed development from environmental point of view.
- R5        The approval of the request for zoning amendment on the subject site would set an undesirable precedent for other similar requests for residential use.

- R6 The subject site was generally undisturbed fallow agricultural land with a natural stream running through the site and important natural habitats such as fung shui woods and a lowland forest. There was insufficient information in the submission on the potential impacts arising from the proposed development and to demonstrate the feasibility of the proposed mitigation measures.
- R7 There was insufficient information in the submission to demonstrate that the existing village tracks and footpaths would not be curtailed by the proposed development.

**Detailed Comments from Government Departments**

Comments from the Commissioner for Transport:

- (a) for Figures 5.1B and 5.2B, please provide clearer drawings and show only traffic aids (for example, road marking and traffic islands) on the footpath and carriageway;
- (b) for Figure 5.3B and drawing no. SP1,
  - please indicate the radius of the proposed access road entering the subject development;
  - please review and substantiate if sufficient and adequate pedestrian crossing facilities are provided. Please indicate on the plan the existing and proposed pedestrian crossing facilities and the routings of the pedestrian to and from the proposed development and their destinations; and
  - please indicate the dimension of the tested vehicle in the swept path analysis;
- (c) for Figure 5.4B and drawing no. SP2,
  - please indicate the radius of the proposed access road entering the subject development;
  - please review the radius of the access road leaving the proposed development which did not meet the requirement of the Transport Planning and Design Manual (TPDM);
  - please indicate the dimension of the tested vehicle in the swept path analysis;
  - the swept path analysis is not acceptable;
  - please review and substantiate if sufficient and adequate pedestrian crossing facilities are provided. Please indicate on the plan the existing and proposed pedestrian crossing facilities and the routings of the pedestrian to and from the proposed development and their destinations; and
  - please review if the distance between the proposed bus lay-by and access to the proposed development could be further increased;
- (d) for the junction of Sha Tau Kok Road/Wo Keng Shan Road (J1),
  - please review the lost time of the junction in year 2016; and
  - please review the geometric parameters, in particular the approach half width in year 2028;
- (e) for the junction assessment of Table 3.1 and 4.3,
  - please review the lost time and greater y for J4; and
  - please use the updated MOC for J5;
- (f) for paragraph 4.8 on “Future Public Transport Services”,
  - please provide the details of the 3 scheduled routes as mentioned and advise the existing and future occupancy of the routes; and
  - please provide more details and justification for adopting the proposed pedestrian trip rates;
- (g) regarding the proposed parking provision for residential use in Table 5.1,
  - please adopt the higher limit of provision for motor cycle parking space in Table 5.1 under the Hong Kong Planning and Standard Guidelines (HKPSG);
  - please justify the provision of visitor car parking spaces with reference to other similar developments;
  - please justify the provision of visitor car parking spaces in Table 5.1 with reference to other similar developments;

- please advise the provision for accessible car parking space; and
  - please be reminded that all car parking spaces of new residential developments should be electric vehicles charging enabling;
- (h) regarding the proposed parking provision for Nature Conservation Centre Use in Table 5.2,
- the required provision for motorcycle parking space should be 4 – 7 according to HKPSG;
  - please adopt the higher limit of provision for motor cycle parking space;
  - please justify the provision of goods vehicles loading / unloading bay for conference and banquet with reference to other similar developments;
  - please advise the provision for accessible car parking space; and
  - please justify the provision of lay-by for taxi and private car with reference to other similar developments; and
- (i) regarding the footway outside the proposed development,
- please confirm if the minimum width of footways (including through zone width, street furniture and greening zone width and building frontage zone width) as shown in Table 3.4.11.1 of TPDM is satisfied and provide the cross-sections to demonstrate the satisfaction of the requirements.

Comments from Chief Building Surveyor/New Territories West, Buildings Department:

- (a) if the existing structures are erected on leased land without approval of 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 application;
- (b) 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;
- (c) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed buildings/ building works in accordance with the BO;
- (d) if the Site is not abutting a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Building (Planning) Regulation 19(3) at the building plan submission stage; and
- (e) the Site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulation 5 and emergency vehicular access shall be provided under Regulation 41D.

Comments from Director of Food and Environmental Hygiene:

- (a) if the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if

acceptable by FEHD, will be referred to relevant Government departments, such as BD, FSD, PlanD, LandsD (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all requirements. For the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from his department for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence/ Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant Government departments, such as PlanD, LandsD (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. His department will institute legal action against any person who operates a food business without a valid licence;

- (b) the applicant should be reminded that operation of eating place must not cause any environmental nuisance to the surrounding. The refuse generated by the proposed eating place are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity;
- (c) If the operator intends to operate a swimming pool, a swimming pool licence should be obtained from FEHD in accordance with the Public and Health and Municipal Services Ordinance (Cap. 132);
- (d) if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. In addition, appropriate and sufficient public consultation concerning the demolition/ reprovisioning proposals for the affected public toilet and refuse collection point should be conducted by the project proponent; and
- (e) Should there be a significant increase in population due to the proposed development, it is crucial for the project proponent to incorporate suitable public toilet and refuse collection points in their planning to meet the daily need of their residents. FEHD has no separate plan to build new public toilets and refuse collection points in the area. FEHD will only provide household waste collection service at the proposed development subject to a successful trial run of our refuse collection vehicle (RCV). In this regard, the applicant should submit building plans (layout plan with clear indication of drive way) of the RCP for FEHD's comments prior to the arrangement of trial run. For other category of wastes, the applicant should deliver them to landfills/ refuse transfer stations managed by the EPD or public filling facilities managed by CEDD at its own expense.