

**Previous s.16 Applications Covering the Site**

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Development/Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Reasons for Rejection</u></b>
1	A/DPA/YL-PS/50	Temporary Use as Container Vehicles Park for 3 Years	Unspecified Use	16.2.1996 (on review)	1 to 5
2	A/YL-PS/42	Filling of Pond for Growing of Vegetables	“REC”	11.12.1998	6 and 7
3	A/YL-PS/244	Temporary Open Storage of Construction Materials (Iron, Steel and Stone) for a Period of 3 Years	“REC”	19.5.2006	1, 2, 7 to 9
4	A/YL-PS/523	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Coaches) for a Period of 3 Years	“REC”	14.10.2016	7

**Reasons for Rejection:**

- (1) Not in line with planning intention.
- (2) Not compatible with surrounding land uses.
- (3) It has not been demonstrated in the submission that the proposed development will not cause adverse impacts on the ecology of the area, an ecology needed to sustain the nearby Mai Po Nature Reserve.
- (4) submission has not adequately addressed the potential traffic impact of the proposed development on the surrounding area.
- (5) The road improvement work proposed by the applicant will trigger off further developments in the area and this is highly undesirable in terms of traffic growth control and transport planning.
- (6) The northern portion of the pond falls within Deep Bay Buffer Zone 2. The proposed pond filling does not comply with the Town Planning Board Guidelines for "Application for Developments within the Deep Bay Buffer Zones" in that there is insufficient information in the submission to demonstrate that the proposed development would have insignificant impacts on the environment, ecology, drainage and sewerage in the area including Mai Po Nature Reserve and Inner Deep Bay
- (7) Undesirable precedent.
- (8) There was insufficient information to demonstrate that the proposed development would not cause adverse drainage, ecological, environmental, traffic and landscape impacts on the surrounding areas
- (9) Not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner(s) shall apply to his office to permit the structures to be erected or regularize any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications of any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a section of a local access which is not managed by the Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring spaces shall be provided within the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the proposed surface treatment(s) (i.e. soil ground, concrete paved, etc.) should be specified in the layout plan with area (m<sup>2</sup>) annotated for each treatment. Sufficient space should be made available for tree planting along the western and norther site boundaries adjoining public frontage. The applicant should review both layout plan and landscape plan accordingly. The applicant should note that a continuous planting strip of no less than 1m wide, and a distance of no less than 3m between trees and buildings should be provided to allow sufficient space for healthy tree growth. Wheel stops or concrete barriers at a minimum distance of 1m from the planting areas should be installed to protect the trees from damage by vehicles;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (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. Before any new building works (including containers/open sheds as temporary buildings demolition and land filing) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If 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 B(P)R at the building plan submission stage;

- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire services installations (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 layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. 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 the Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD) that the applicant shall be reminded that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the area, extensive geotechnical investigation may be required. Such investigation may require a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site. The applicant is also reminded to submit the proposed building works to BD for approval as required under the provisions of the BO; and
- (j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) 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 mentioned 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.