

Previous Applications covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/701	Proposed Temporary Warehouse for Storage of Construction Material for a Period of 3 Years	12.12.2014	(1), (2), (3)
2	A/YL-TYST/918	Proposed Temporary Shop and Services (Retail Shop for Cleaning Equipment and Furniture) for a Period of 3 Years	5.10.2018	(1)

Rejection Reasons

- (1) The development is not in line with the planning intention of “Residential (Group D)” (“R(D)”) zone.
- (2) The applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.
- (3) The approval of the application would set an undesirable precedent for similar applications within the “R(D) zone.

Advisory clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the application site (the Site) comprises an Old Schedule Agricultural Lot (OSAL) and government land (GL). The OSAL is 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. No permission is given for occupation of the GL included in the Site (about 310m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) of the lot(s) will need to apply to her office for permitting the structures to be erected or to regularise any irregularities on site, if any. The GL should be excluded from the Site or a formal approval should be applied for prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department;
- (b) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the Site;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that if the proposed run-in/out is agreed by the Transport Department, you shall construct the run in/out at Shui Fu Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The proposed vehicular access arrangement may affect the existing U-channel abutting the Site; the modification details should be submitted for his comment. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Shui Fu Road;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public sewer connection available in the vicinity; views and comments from the Director of Environmental Protection (DEP) should be sought regarding the sewage disposal arrangement of the proposed development. As for the submitted drainage proposal, peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands. The full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system) should be indicated clearly. The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel. The cover levels and invert levels of the proposed u-channels and catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap. Where walls or hoarding are erected and laid along the site boundary, adequate opening

should be provided to intercept the existing overland flow passing through the Site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. DLO/YL, LandsD should be consulted and consent from the relevant owners should be sought for any drainage works to be carried out outside your lot boundary before commencement of the drainage works;

- (e) to note the comments of the DEP that relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding area;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted 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 also be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO)(Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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 filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage. Detailed checking under BO will be carried out at building plan submission stage.