

Previous Applications Covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason(s)</u>
1	A/TM-LTYT/324	Temporary Open Storage of Construction Materials and Containers, and Temporary Open Parking of Crane Trucks, Container Tractors, Trailers, Light Goods Vehicles and Private Cars for a Period of 3 Years	23.12.2016 [reject on review on 24.3.2017]	(1) to (6)
2	A/HSK/8	Proposed Temporary Public Vehicle Park (Private Cars, Light and Medium Goods Vehicles) for a Period of 3 Years	27.10.2017	(3), (5) to (7)

Rejected Reason(s):

- (1) The development is not in line with the planning intention of the “Residential (Group D)” zone.
- (2) The development is not in line with the planning intention of “Village Type Development” zone.
- (3) The development is not compatible with the surrounding areas.
- (4) The development is not in line with the TPB PG-No. 13E for Application for Open Storage and Port Back-up uses.
- (5) The applicant failed to demonstrate that the development would not generate adverse environmental and traffic impacts.
- (6) Approval of the application would set an undesirable precedent for other similar applications in the area.
- (7) The development is not in line with the planning intention of “Village Type Development (1)” zone.

Advisory Clauses

- (a) prior planning permission should be obtained before commencing the proposed development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the application site (the Site);
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) the Site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/ Tuen Mun, Lands Department that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The Site includes a strip of Government land for provision of access to and from the Tsing Yick Road. His office provides no maintenance work for the said strip of Government land involved and does not guarantee any right-of-way. According to the submitted drainage plan, there is a 400mm concrete pipe falling on the Government land portion of the access road proposed by the applicant. If there is any Government land involved in the proposed drainage works, the applicant is required to seek prior approval from his office before commencement of any drainage works if the drainage proposal is acceptable to Drainage Service Department (DSD). His office will not provide maintenance to the concrete pipe. Also, the lot owner may consider submitting a formal application to his office for a Short Term Waiver to permit erection of the proposed structure on the Lot. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc. Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extensions/alterations of the structures affected irrespective of whether planning permission has been given or not. Enforcement action will also be taken should any structures are found erected without any prior approval given by this office or any unauthorised occupation of Government land;
- (f) to note the comment of the Commissioner for Transport that comments from LandsD and HAD should be sought separately for the road connection arrangement as Tsing Yick Road is a village road and not managed by his office;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Tsing Yick Road is not maintained by HyD. 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 the public road maintained by his department;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites” issued by the Environment Protection Department to minimise any potential environmental nuisances. The applicant is reminded that effluent discharges from the proposed use are subject to control under the Water Pollution Control

Ordinance (WPCO). A discharge license under the WPCO should be obtained before a new discharge is commenced. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;

- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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. However, the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including temporary toilets and shroff) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (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. The temporary converted containers for shroff which are considered as temporary buildings are subject to control under the Building (Planning) Regulations (B(P)R) Part VII. 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 B(P)R respectively. If the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the access to the Site from Tsing Yick Road will straddle across an existing U-channel along Tsing Yick Road. The concerned U-channel was not constructed or being maintained by DSD. The applicant should clarify if there will be any protective measure to protect this channel from damage and blockage due to the vehicles passing by and seek arrangement from the maintenance party of it;
- (l) to note comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that to refer to Figure 2 of the "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses" published by PlanD for a typical section of the boundary landscape treatment. The proposed trees along the south-western boundary appear to be in conflict with the proposed culver and U-channels. The applicant may wish to consider providing a continuous 1m wide planting strip (with minimum 1.2m soil depth) along site boundary for an effective screening effect. Furthermore, trees should be planted with a minimum spacing of 600mm away from the fence. Precautions measures such as kerbs and bollards at 1m away from the planting area should be proposed to prevent damage to the trees. Due to the nature of the application, the applicant may wish to propose a tree species with less vigorous root systems and/or flowering tree species with small mature size in lieu of *Ficus microcarpa*. The applicant is reminded that approval of the landscape proposal under s.16 of Approval Condition does not imply approval of tree works such as felling, transplanting or pruning under the application or lease. Any proposed tree preservation/removal scheme involving trees outside site in

particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain the necessary approval; and

- (m) to note comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within an area designated for “Rural Residential – Zone 4” on the Revised Recommended Outline Development Plan (RODP) of the Hung Shui Kiu New Development Area (HSK NDA) which is intended for the construction of village re-site houses. The current target is to have the first population intake in HSK NDA by 2024. Taking into account the length of the tenure, the consideration time required for tree growth and the undesirable felling of the newly planted trees for subsequent permanent development, his office has reservation on the proposed screening in the form of tree planting on ground. In addition, he noted that ficus microcarpa is proposed for landscape buffer. The applicant shall consider other alternatives for screen planting in order to minimise the impact to the new trees by the upcoming HSK NDA Advance Works, such as: (i) proposed alternative species which are less aggressive than ficus microcarpa, e.g. plam; or (ii) provide landscape buffer on fixed planters which can enhance the screening effect as the planter itself is already above ground.