

**Similar applications within the subject “O”, “OU(ETP)” and “V” zones
on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1**

Approved Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/886	Temporary Public Vehicle Park (excluding Container Vehicle) (3 years)	“R(D)” on approved Ha Tsuen OZP No. S/YL-HT/10	21.3.2014	1-13

Approval Condition(s):

- 1 The submission and implementation of landscaping or/and tree preservation proposals.
- 2 The submission of DIA/drainage proposals and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals.
- 3 Reinstatement clause.
- 4 The provision of fencing and/or paving.
- 5 Revocation clauses.
- 6 The submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 7 No night-time operation.
- 8 The maintenance of the drainage/landscape facilities/trees/paving and fencing.
- 9 No repairing, dismantling, cleansing of vehicle, selling of vehicle, or workshop activity.
- 10 No vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed.
- 11 No vehicle without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on site.
- 12 No light goods vehicle (except van), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site.
- 13 A notice should be posted at a prominent location of the site at all times to indicate that no light goods vehicle (except van), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked on the site.

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/457	Temporary Public Car Park (excluding Container Vehicles) (3 years)	“V” and “R(D)” on draft Ha Tsuen OZP No. S/YL-HT/7	18.8.2006	1-3

Rejected Reason(s):

- 1 Not in line with the planning intentions of the “V” zone and “R(D)” zone. There was no strong justification in the submission for a departure from such planning intentions, even on a temporary basis.
- 2 Insufficient information to justify the need for a public car park at the site.
- 3 Insufficient information to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas.

**Detail Comments of the Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

Detailed comments

- The submitted landscape proposal is considered substandard. For useful information in preparing a proper landscape proposal, the Applicant should refer to “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.
- Landscape treatment if any to soften the level difference is not demonstrated.
- Due to the temporary nature of the application, the Applicant may wish to propose a tree species with short life span habit in lieu of the proposed *Ficus microcarpa* which would attain an extensive root system and densely spreading canopy form.

Advisory Comments

- Precautious measures such as kerbs and/or bollards should be proposed to prevent damage to the trees by the vehicle traffic.
- A minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) should be provided for all new tree planting.
- The Applicant is advised that approval of the application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and /or felling. Application for tree works should be submitted direct to DLO for approval.
- Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises an Old Schedule Agricultural Lots 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 site is accessible to Tin Ha Road through a local road on both private lot and Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application will be considered by the LandsD acting in the capacity of the landlord 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 the LandsD;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the site;
- (e) 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 Ping Ha Road;
- (f) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that precautionary measures such as kerbs and/or bollards should be proposed to prevent damage to the trees by the vehicle traffic. A minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) should be provided for all new tree planting. Approval of the application does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. 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 and land filling) are to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator 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 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 the Building (Planning) Regulations at the building plan submission stage;

- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him 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 safety requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) to adopt appropriate measures to avoid causing disturbance or pollution to the pond to the south of the Site, and to ensure that trees on the adjacent government land will not be affected; and
- (l) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should demonstrate whether the proposed drainage facilities (i.e. 350mm dia. U-channel and 300mm dia. concrete pipe) are adequate to collect, convey and discharge the surface runoff accrued on application site and the overland flow intercepted from the adjacent lands and to indicate clearly 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). In the case that local village drains are involved, DO/YL should be consulted. Consideration should be given to provide grating for the surface channels. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. 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 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. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.