

Previous s.16 Applications covering the Application Site

Rejected Application

<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/541	Temporary Cargo Handling and Forwarding Facility and Ancillary Warehouses and Car Parking Facilities for a Period of 3 Years	13.10.2017	(1) to (4)

Rejection Reason

- (1) Not in line with planning intention
- (2) Not compatible with the surrounding land uses
- (3) Not comply with the Town Planning Board Guidelines No. 13E
- (4) Undesirable precedent for similar applications within the same “G/IC” and “V” zones

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development of the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note that the permission granted was to the use of the Site as applied for. Such permission should not be construed as an acceptance or condonation by the Committee of any unauthorised building works (UBWs) on the Site. Any existing building structures which are regarded as UBWs under the Buildings Ordinance (BO) may be subject to enforcement action by the Building Authority (BA);
- (d) to note the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under Building (Minor Works) Regulation;
- (e) to note that the Site might be resumed at any time during the planning approval period for the implementation of government project;
- (f) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 the prior approval of the Government. No permission is given for occupation of government land (GL) (about 117.5m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Hung Shui Kiu Main Street through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. Lot No. 1094 in D.D. 124 is covered by Short Term Waiver (STW) No. 1159 for Food Factory and Quarter and Lot No. 1095 in D.D. 124 is covered by STW No. 1314 for Food Factory. The STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permit the structures to be erected or regularise any irregularities on Site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the LandsD acting in the capacity as 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 premium or fee, as may be imposed by the LandsD;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the

existing structures (not being a NTEH) are erected on leased land without approval of the BD, they are 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 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 BD should be obtained, otherwise they are UBW. An Authorised 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 (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 the B(P)R at the building plan submission stage;

- (h) to follow the "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;
- (i) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space should be provided within the Site. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (j) 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. The access between the Site and Hung Chi Road/Hung Shui Kiu Main Street is not and will not be maintained by HyD;
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected. A Waterworks Reserve (WWR) within 1.5 metres from the centreline of the water mains shall be provided to WSD. No structure should be built or materials stored within the WWR. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the WWR or in the vicinity of the water mains shown on the plan. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (l) 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. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (m) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that approval of the s.16 application by the 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. In consideration of the temporary nature of the site and its constraints, the Applicant may propose tree species of short life span habit or with less vigorous roots in lieu of the *Ficus microcarpa*. 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: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (n) to note the comments of the Director of Leisure and Cultural Services (DLCS) that from tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the work site and minimize the adverse impact to them during the works period. If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DevB TC(W) No. 7/2015; and
- (o) to note the comments of the Director of Food and Environmental Hygiene Department (DFEH) that no Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity/operation, the applicant should arrange its disposal properly at her own expenses. Proper licence/permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.