

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Reasons</u>
1	A/YL-HTF/1085	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	R(D)	4.5.2018 (Revoked on 4.8.2019)	1-11

Approval Condition(s)

1. Revocation clauses.
2. Reinstatement clause.
3. No night-time operation/no operation on Sundays and public holidays.
4. The submission and implementation of landscaping and tree preservation proposals.
5. The submission and implementation of drainage facilities proposals.
6. The submission and implementation of fire service installations.
7. The provision of fencing of the site.
8. No open storage of materials.
9. Maintenance of drainage facilities on site.
10. No vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle is allowed to enter, park or operate at the site at any time
11. No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/137	Temporary Open Storage for Construction Machinery and Construction Material for a Period of 3 Years	"R(D)" on OZP No. S/YL-HT/3	31.3.2000	1-3

Rejected Reason(s):

- 1 The development is not in line with the planning intention of the "R(D)" zone which is to provide incentives for improving and upgrading the existing domestic accommodations within this zone. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- 2 There is no information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impact on the surrounding areas.
- 3 The approval of the application would set an undesirable precedent for similar applications within the "R(D)" zone, the cumulative impact of approving such similar applications would result in a general degradation of the environment of the area.

**Similar s.16 Applications for Recycling Workshop or Centre
within the same “R(D)” Zone on the Ha Tsuen Fringe OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
1	A/YL-HTF/1093	Proposed Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)” on OZP No. S/YL-HTF/12	1.2.2019	1,3,4
2	A/YL-HTF/1096	Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)” on OZP No. S/YL-HTF/12	20.9.2019	2-4

- 1 The applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas.
- 2 The applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.
- 3 The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- 4 The development is not in line with the planning intentions of the “AGR” and “Residential (Group D)” (“R(D)”) zones. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.

Advisory clauses

- (a) Prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (d) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments 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. Lots no. 142, 143 and 158 are covered by Short Term Waiver (STW) No. 5013 for temporary recyclable collection centre for garment, cloth and waste paper. The Site is accessible from Kai Pak Ling Road through Government Land (GL) and private lots. His office provides no maintenance works over the GL involved and does not guarantee any right-of-way to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) of the lot(s) without Short Term Tenancy will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. The STW holder will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD 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 premium or fee, as may be imposed by the LandsD;
- (e) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's (TD) 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;
- (f) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting to the Site;
- (g) to note the comments of the Director of Drainage Services that 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 channels along the east, south and west boundaries are missing. The applicant is required to demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands. The ground to the south of the Site is generally higher. Since the overland flow from the adjacent lands shall be probably intercepted, external catchment

shall be considered in the calculation. The applicant is required 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). The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted. The existing nullah / channel / watercourse, to which the applicant proposed to discharge the stormwater from the Site was not maintained by his office, the applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL should be consulted. Since there is no record of the said discharge path, the applicant is required to provide site photos to demonstrate its presence and existing condition. The gradients and the sizes 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 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. Where walls or hoarding are erected are 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. 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;

- (h) the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites;
- (i) 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 the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned 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 application site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on application 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 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) Regulation at the building plan submission stage; and
- (j) to note the comments of the Director of Fire Services (D of FS) that 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 FSI 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.