

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

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
2	A/YL-HTF/1099	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	R(D)	13.12.2019	1-3, 5, 6, 9-12

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.
12. Maintenance of existing trees

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) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) 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. The Site is accessible from Fung Kong Tsuen 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 Waiver will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. 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
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that Before any building works (including containers / open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with 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. 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. 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;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads. 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road;
- (f) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize potential environmental nuisance to the surrounding area;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD) that approval of the section 16 application by the Town Planning Board does not imply the approval of tree works such as felling/ transplanting or pruning under lease. Tree works applications should be submitted direct to relevant authority for approval if necessary.

- (h) 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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB) the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the applied use.
- (j) *to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is required to indicate clearly the full alignment of the discharge path from the application 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, site photos is required to demonstrate its presence and existing condition. 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 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 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.*