

Previous s.16 Application Covering the Site

Approved Application

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/YL-PN/35	“AGR”	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.5.2012	(1) to (11)

Approval Conditions

- (1) no night time operation
- (2) no public announcement system
- (3) no tree falling, pond filling and excavation of land
- (4) no vehicle exceeding 5.5. tonnes to enter into the site
- (5) provision of peripheral fencing
- (6) submission of condition record of existing drainage facilities
- (7) submission/implementation of drainage proposal
- (8) submission/implementation of a run-in/out proposal
- (9) submission/implementation of a landscape and tree preservation proposal
- (10) submission/implementation of a fire service installations proposal
- (11) revocation clause

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Reasons for Rejection</u>
1	A/YL-HT/414	Partly “AGR” and partly “GB”	Temporary Racing Circuit for a Period of 3 Years	29.7.2005	(1) to (3)

Reasons for Rejection

- (1) the proposed development was not in line with the planning intention of the "GB" and "AGR" zones There was no strong justification in the submission for a departure from the planning intentions, even on a temporary basis;
- (2) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts on the application site and the adjacent Deep Bay, Sheung Pak Nai and Ha Pak Nai areas;
- (3) approval of the application would set an undesirable precedent for similar applications in the "GB" and "AGR" zones, the cumulative impact of which would result in general degradation of the environment in the area.

**Similar s.16 Applications within the same “AGR” Zone
on the approved Sheung Pak Nai and Ha Pak Nai OZP since 17.10.2008**

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejecting Reasons</u>
1	A/YL-PN/30	Temporary Storage and Open Storage of Construction Materials, Equipments and Containers with Watchman Quarters for a Period of 3 Years	“AGR”	23.9.2011	1 to 3 and 5
2	A/YL-PN/38	Temporary Open Storage of Machineries for a Period of 3 Years	“AGR” and “Green Belt”	11.10.2013	1 to 5
3	A/YL-PN/41	Temporary Warehouse for Cleaning Supplies and Fertilizers for a Period of 3 Years	“AGR”	2.1.2015	1 to 3

Reasons for Rejection:

- (1) Not in line with planning intention. No strong planning justification had been given for a departure from the planning intention, even on a temporary basis.
- (2) The development is incompatible with the rural environment and landscape character of the surrounding area.
- (3) Approval of the application, even on temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land and a general degradation of the environment of the area.
- (4) Not in line with the Town Planning Board Guidelines No. 10 for 'Development within the "GB" zone' in that no strong planning justification has been provided in the submission and no previous approval has been granted for the site; there are adverse departmental comments on the environmental, traffic, landscape and slope safety aspects. No technical assessment has been included in the submission to address such adverse impacts.
- (5) Not in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that no previous approval had been granted for the site, there were adverse departmental comments on the environmental, traffic and landscape aspects. No technical assessment had been included in the submission to address such adverse impacts.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to note the comments of the 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. Lot 8 (Part) in D.D. 135 is covered by a Short Term Waiver (STW) No. 756 for shop (commercial) use. No permission is given for occupation of the GL included in the Site (about 124.5m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed. In addition, according to the established practice, application of Short Term Tenancy for the purpose of vehicular access will not be entertained, even if the planning application is approved by the Board. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. 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. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) of any of the above will be considered by 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/are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the comments of the Director of Environmental Protection that 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";
- (d) to note the comments of the Commissioner for Transport (C for T) that the warehouse operators shall consider using light goods vehicles instead of heavy goods vehicles as the transport tool to facilitate the adjacent warehouses. If there is additional traffic flow to adjacent public roads, the applicant shall justify the nearby public road network has adequate capacity to accommodate the traffic induced by the applied use. In particular, the traffic impact on Nim Wan Road and Deep Bay Road should be well assessed as a result of the applied use, since it is highly likely that vehicles in opposite directions need to negotiate with each other where passing bay is not available;
- (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 Nim Wan Road;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected as shown on **Plan A-2**. A waterworks reserve within 1.5 metres from the centre line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. 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 waterworks reserve or in the vicinity of the water main. 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; and

- (g) 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 fire services installations (FSIs) to his department for approval. The applicant is advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are 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.