

Previous Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons(s)</u>
1.	A/YL/237	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 6 Years	10.11.2017	(1), (2), (3)

Rejection Reasons

- (1) The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis
- (2) The applicant fails to demonstrate a reasonable prospect for securing the required government land for implementing the proposed use.
- (3) Approval of the application would set an undesirable precedent attracting other similar development in the area. The cumulative effect will jeopardize the availability of land for Small House development in the “V” zone.

Advisory clauses

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. storage of miscellaneous items) which currently exists on the application site (the Site) but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site situates on government land (GL) (about 62m² subject to verification) and no permission is given for occupation of GL included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Wang Lok Street through GL only and may be considered for separate alienation. LandsD in general would not process an application for regularization of unlawful occupation of unleased land which is capable for reasonable separate alienation even though approval of the Town Planning Board is given;
- (c) to note the comments of the Commissioner for Transport that the applicant is reminded to ensure no parking, vehicle queuing and reverse movement of vehicles on public road are allowed. The land status of the access road/path/track leading to the Site from Wang Lok Street shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be consulted with the relevant management and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Wang Lok Road;
- (e) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (f) to note the Director of Fire Services's comments that in consideration of the design/nature of the proposal, fire service installations (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 and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site. The applicant is also reminded to submit works to the Buildings Department for approval as required under the provisions of the BO; and

- (h) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.