

Similar Applications within the same “AGR” zone on the Pat Heung OZP

Rejected Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC/TPB	Rejection Reasons
1	A/YL-PH/228	Temporary open storage of vehicles with ancillary dismantling and repair works for a period of 12 months	25.9.1998	(1), (2), (3), (4)
2	A/YL-PH/622	Temporary vehicle repair workshop for a period of 3 years	23.9.2011 13.1.2012 (on review)	(1), (2), (4)

Rejection Reasons

- (1) The development is not in line with the planning intention of the “AGR” zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis
- (2) The proposed development does not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-Up Uses under Section 16 of the Town Planning Ordinance” as no previous planning approval had been granted for the applied use on the site / it is not compatible with the surrounding areas / no technical assessments had been included to demonstrate there would be no adverse environmental and landscape impacts / there were adverse departmental and local comments
- (3) There is insufficient / no information to demonstrate the development would not have adverse drainage impacts on the surrounding areas
- (4) Approval of the application will set undesirable precedents for similar applications. The cumulative effect of approving such applications would result in a general degradation of the environment of the area

**Detailed comments on the submitted drainage proposal
by Chief Engineer / Mainland North, Drainage Services Department**

1. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan;
2. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
3. Grating should be provided for the surface channel as far as possible;
4. The south-eastern side of the Site has no intercepting drain to collect the runoff. Please review;
5. Two DN300 underground pipes buried under the abutting slope are proposed as discharge points. Please seek advice from GEO/slope's maintenance agent (if any) on such arrangement from slope safety viewpoint. Please also furnish details, e.g. cross section, about the discharge points;
6. 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;
7. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
8. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works, e.g. the DN300 underground drain buried underground the abutting slope, to be carried out outside his lot boundary before commencement of the drainage works.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lot 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 lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD;
- (b) note C for T's comments that the Site is connect to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note CHE/NTW, HyD's comments that part of Kam Tai Road is maintained by his office. HyD shall not be responsible for the maintenance of any access connecting the Site and the part of Kam Tai Road maintained by his office.. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) follow 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 DEP;
- (e) note CE/MN, DSD's comments that 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. Grating should be provided for the surface channel as far as possible. The south-eastern side of the Site has no intercepting drain to collect the runoff, please review. Two DN300 underground pipes buried under the abutting slope are proposed as discharge points. Please seek advice from GEO/slope's maintenance agent (if any) on such arrangement from slope safety viewpoint. Please also furnish details, e.g. cross section, about the discharge points. 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, e.g. the DN300 underground drain buried underground the abutting slope, to be carried out outside his lot boundary before commencement of the drainage works;

- (f) note D of FS's comments 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. 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. Regarding the submitted FSIs proposal, all proposed and existing FSIs should be listed out in the form of FS notes, and clarification should be made on whether there is access for emergency vehicles being provided to reach 30m travel distance from all the enclosed structure(s). 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; and

- (g) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (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 the prevailing 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they 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 (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.