

Previous Application Covering the Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Conditions</u>
1	A/YL-PH/338	Proposed temporary open storage of abandoned vehicles for stripping and vehicle parts for a period of 3 years	25.8.2000	(1), (2), (3), (4), (5)

Rejection Reasons:

- (1) The development is not in line with the planning intention of the "Village Type Development" ("V") zone on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/6, which is to designate both existing recognised villages and areas of land considered suitable for village expansion. No strong justification has been provided in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development does not comply with the Town Planning Guidelines for "Application for Open Storage and Port Back-up Uses" in that it is not compatible with the village settlements in the vicinity.
- (3) On the Pat Heung OZP, 96 ha of land has been zoned "Open Storage" ("OS") to cater for the demand for land for open storage. No information has been provided in the submission to demonstrate that a suitable site within the "OS" zones cannot be identified for the use under application.
- (4) There is no information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas.
- (5) The approval of the application would set an undesirable precedent for similar uses to proliferate in the "V" zone. The cumulative effect of approving similar applications would result in a general degradation of the environment in the area.

Advisory Clauses

- (a) note 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 lot owner(s) will need to apply to his office to permit the structure(s) 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 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 rent or fee, as may be imposed by LandsD.
- (b) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. 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 HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) 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 DEP to minimize any potential environmental nuisance;
- (e) 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. The applicant is reminded that for the submitted FSIs proposal, (i) detailed layout of structure B, with the locations of the fire extinguishers provided, shall be clearly shown; and (ii) the applicant should clarify whether there is access for emergency vehicles being provided to reach 30m travel distance from all the enclosed structure(s). The applicant is advised to observe Part XA, Dangerous Goods (General) Regulations, Cap. 295B, Laws of Hong Kong, regarding the storage of dangerous goods in Category 9A in excess of exempt quantity; and
- (f) note CBS/NTW, BD's comment 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 unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under this application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the 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. Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW under the BO. An Authorized Person 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. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part BII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage.