

Previous s.16 Application covering the application site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-PH/751	Proposed Temporary Open Storage of Vehicle Parts for a Period of 3 Years	11.8.2017	(1), (2), (3) & (4)

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone.
- (2) The development does not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that there is no previous approval granted at the site and there are adverse departmental comments and public objections against the application
- (3) The applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications

Similar Application within the same "AGR" zone in Pat Heung OZP

Approved Application

	<u>Applications No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-PH/754	Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	22.9.2017	(1), (2), (3), (5), (6), (7), (8), (9)&(10)

Approval Conditions

- (1) Restriction on operation hours
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed
- (3) No vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out
- (4) The submission and provision of fire service installations proposal
- (5) If the planning condition is not complied with at all time during the approval period/by specified date, the approval shall cease to have effect and be revoked without further notice
- (6) Upon expiry of the planning permission, the reinstatement of the site to an amenity area
- (7) The submission and implementation of the drainage proposal
- (8) The existing boundary fencing on site shall be maintained at all times
- (9) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period
- (10) Submission and implementation of the landscape proposal



**Detailed Comments from the Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

Detailed Comments

1. Two existing *Archontophoenix alexandrae* (假檳榔) at the north of the Site should be retained and indicated on the tree preservation and landscape proposal (TPLP). Please be reminded that locations of the proposed tree should not be in conflict with these existing palms.
2. Referring to the submitted Landscape Proposal, please consider to have the proposed tree planted at northern and western boundary.
3. Tree protective measures, e.g. kerbs or wheel stoppers at a min. distance of 1m in front of the proposed trees, should be installed and indicated on the plan.
4. Please be reminded that the proposed trees should be planted at grade, in tree pits of min. 1m (W) x 1m (L) x 1.2m (soil depth) and supported with tree stakes for healthy establishment of the trees.
5. For proper tree protection and tree planting, reference could be made to Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解) (www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and Proper Planting Practices (正確種植方法) (www.greening.gov.hk/tc/tree_care/practices.html) promulgated by the DEVB.

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owners of the Site;
- (b) note DLO/YL'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 Site is accessible to Kam Tai Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) 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 premium or fee, as may be imposed by the LandsD;
- (c) 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 Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses" issued by the DEP;
- (e) note CHE/NTW, HyD's comments that HyD is not and shall not be responsible for the maintenance of any existing access connecting the Site and Kam Tai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) note DAFC's comments that there is a natural watercourse and a drainage channel in the vicinity of the Site. The applicant shall be advised to adopt good site practices and take appropriate measures to avoid discharge of site runoff into these waterbodies;
- (g) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained. Otherwise, they are Unauthorized Building Work. An Authorized Person should be appointed as the co-ordinator for the proposed building 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 BD's 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. If 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;

- (h) note CTP/UD&L of PlanD's comments at **Appendix IV** of this RNTPC paper;
- (i) note D of FS's comments that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. 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;
- (j) note DEMS's comments 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. They 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; and
- (k) note WSD's comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.