

Previous s.16 Applications covering of the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB /Appeal Board)</u>	<u>Reasons for Rejection</u>
1	A/YL-PH/333*	Temporary Open Storage of Vehicles and Vehicle Parts Prior to Sale for a Period of 3 Years	30.6.2000	(1), (2), (3), (4)
2	A/YL-PH/401*	Proposed Temporary Open Storage of New and Old Vehicles and Vehicle Parts for a Period of 18 Months	4.10.2002 on review	(1), (2), (3)
3	A/YL-PH/758	Proposed Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) for a Period of 3 Years	9.3.2018 on review	(1), (2), (5)

* Applications straddle partly within the “OS” zone and partly within the same “AGR” zone and covered 30% of the application site.

Rejection Reasons

1. Part/ whole of the proposed development falling within the “AGR” zone was not in line with the planning intention of the “AGR” zone. There was no strong justification has been given in the submission for a departure from the planning intention even on a temporary basis.
2. The approval of the application would set an undesirable precedent for similar uses, the cumulative effect of approving similar applications would result in general degradation of the environment of the area.
3. The part of the proposed development in “AGR” zone is not compatible with the surrounding area which are predominately rural in character with cultivated/fallow agricultural land and/or plant nursery.
4. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.
5. The applicant fails to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas

Similar Application within the same “AGR” Zone on the Pat Heung OZP

Approved Application

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Approval Conditions
1	A/YL-PH/783	Temporary Shop and Services (Car Beauty) for a Period of 3 Years	15.6.2018	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)

Approval Conditions

- (1) Restriction on operation hours
- (2) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed all times
- (3) No medium or heavy vehicles exceeding 5.5 tonnes, including container tractors/trailers would be allowed
- (4) No vehicle is allowed to queue back to or reverse onto/from public road
- (5) Submission and implementation of run-in out proposal to/from Kam Tin Road
- (6) Maintenance of existing drainage facilities
- (7) Submission and implementation of tree preservation proposal
- (8) Submission and provision of fire service installations
- (9) Reinstatement of the application site to an amenity area
- (10) Permission shall cease to have effect on a specified date unless prior to the specified date either the development hereby permitted is commenced or the permission is renewed

Appendix IV of RNTPC
Paper No. A/YL-PH/791

Detailed Comments of the Chief Town Planner/Urban Design and Landscape Section (CTP/UD&L , PlanD)

- (1) Please be advised that the proposed trees should be planted in 3 to 4m interval along the site boundary to provide proper screening effect.
- (2) Proposed trees should be planted in at-grade planting area with min. 1m(W) x 1m(L) x 1.2m (soil depth excluding drainage layer) with proper edge and support with tree stakes for the healthy establishment of the trees.
- (3) Drainage provision and manoeuvre path of vehicles shall be indicated on plan. Applicant is reminded that min. 1m clearance should be provided between the tree and drainage channel. If the proposed trees are close to manoeuvre path of vehicles, tree protective measures, e.g., kerbs or bollards at a min. distance of 1m from planting area of trees, should be installed and clearly indicated on plan.
- (4) The proposed structure is considered too close to the proposed trees. It is suggested to adjust the proposed structure location to maintain a min. 3m clearance from the trees.
- (5) Applicant is reminded to pay attention on the live-crown ratio of the landscaping trees. Good specimens with good live-crown ratio and well balanced tree canopy should be provided. Reference can be made on the below document promulgated by the Planning Department: “Technical Notes on Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (有關為履行根據城市規劃條例第16條獲批准的露天貯物及港口後勤用途的附帶條件而提交及落實美化環境建議的技術摘要)
(https://www.info.gov.hk/tpb/en/forms/Technical_Doc/eng_technicalx20note.pdf)
- (6) The applicant should refer to the below document promulgated by the Development Bureau on tree planting and preservation:
 - Select and Plant Good Specimens (選植好的樹種)
(https://www.greening.gov.hk/filemanager/content/images/tree_care/Select_and_Plant_Good_Specimens_e.jpg)
 - Proper Planting Practices (正確種植方法)
(https://www.greening.gov.hk/en/tree_care/practices.html)

Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled 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 Site is accessible from Kam Tin 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. 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. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 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 LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain 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;
- (e) 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;
- (f) note CTP/UD&L, PlanD's comments that the proposed trees should be planted in 3 to 4m interval along the site boundary to provide proper screening effect. Proposed trees should be planted in at-grade planting area with min. 1m(W) x 1m(L) x 1.2m (soil depth excluding drainage layer) with proper edge and support with tree stakes for the healthy establishment of the trees. Drainage provision and manoeuvre path of vehicles shall be indicated on plan. Applicant is reminded that min. 1m clearance should be provided between the tree and drainage channel. If the proposed trees are close to manoeuvre path of vehicles, tree protective measures, e.g., kerbs or bollards at a min. distance of 1m from planting area of trees, should be installed and clearly indicated on plan. The proposed structure is considered too close to the proposed trees. It is suggested to adjust the proposed structure location to maintain a min. 3m clearance from the trees. Applicant is reminded to pay attention on the live-crown ratio of the landscaping trees. Good specimens with good live-crown ratio and well balanced tree canopy should be provided. Reference

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- (g) note D of FS’s comments that the applicant is advised that installation/ maintenance/ modification/ repair work of FSI 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 the D of FS. 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; and
- (h) note CBS/NTW, BD’s comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are unauthorized under the BO and should not be designated for any approved 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 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 (B(P)R) 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 B(P)R at the building plan submission stage.