

**Appendix II of RNTPC
Paper No. A/I-TCV/15**

**Applications for Temporary Uses for/with Warehouse and/or Open Storage uses on the
Tung Chung Valley Outline Zoning Plan**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/I-TCV/1	Temporary Warehouse for Storage of Construction Materials for a Period of 5 Years	22.12.2017	(1), (10), (15)
2	A/I-TCV/2	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(2), (11), (15)
3	A/I-TCV/3	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(3), (11), (15)
4	A/I-TCV/4	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(2), (11), (15)
5	A/I-TCV/5	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	26.1.2018	(4), (10), (15)
6	A/I-TCV/6	Temporary Open Storage of Construction Materials for a Period of 3 Years	9.2.2018	(5), (10), (15)
7	A/I-TCV/7	Temporary Open Storage of Construction Materials for a Period of 3 Years	9.2.2018	(6), (10), (15)
8	A/I-TCV/9	Temporary Warehouse (Storage of Daily Necessities), Shop and Services (Retail Shop) with Ancillary Office for a Period of 3 Years	21.6.2019	(5), (12), (15)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
9	A/I-TCV/10	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	21.6.2019	(5), (13), (15)
10	A/I-TCV/11	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	21.6.2019	(7), (13), (15)
11	A/I-TCV/12	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	2.8.2019	(5), (13), (15)
12	A/I-TCV/13	Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years	2.8.2019	(8), (13), (15)
13	A/I-TCV/14	Temporary Wholesale Trade (Wholesale Vegetable Market) with Ancillary Warehouse and Office for a Period of 3 years	26.5.2020	(9), (14), (15)

Rejection Reasons

- (1) The proposed development will frustrate the planning intention of the site for road use. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis.
- (2) The proposed development will frustrate the planning intention of “Other Specified Uses” annotated “River Park” (“OU(River Park)”) zone. There is no strong planning justification in the submission to support the departure from the planning intention, even on a temporary basis.
- (3) The proposed development will frustrate the planning intentions of the site for road use and “OU(River Park)” zone. There is no strong planning justification in the submission to support the departure from the planning intentions, even on a temporary basis.

- (4) The proposed development is not in line with the planning intention of “Residential (Group C)2” (“R(C)2”) zone and will frustrate the planning intention of the area for road use. There is no strong planning justification in the submission to support the departure from the planning intentions, even on a temporary basis.
- (5) The proposed development is not in line with the planning intention of “Village Type Development” (“V”) zone. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis.
- (6) The proposed development is not in line with the planning intention of “R(C)2” zone. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis.
- (7) The proposed development is not in line with the planning intention of “V” zone and will frustrate the planning intention of the “Other Specified Uses” annotated “Stormwater Attenuation and Treatment Ponds” zone. There is no strong planning justification in the submission to support the departure from the planning intentions, even on a temporary basis.
- (8) The proposed development is not in line with the planning intention of “V” zone and will frustrate the planning intention for road use. There is no strong planning justification in the submission to support a departure from the planning intentions, even on a temporary basis.
- (9) The proposed development is not in line with the planning intention of “V” and “R(C)2” zones. There is no strong planning justification in the submission to support a departure from the planning intentions, even on a temporary basis.
- (10) The applicant fails to demonstrate that the proposed development will not have adverse landscape and visual impacts on the surrounding areas.
- (11) The applicant fails to demonstrate that the proposed development will not have adverse ecological, landscape and visual impacts on the surrounding areas.
- (12) The applicant fails to demonstrate that the proposed development will not have adverse environmental impact on the surrounding areas.
- (13) The applicant fails to demonstrate that the proposed development will not have adverse environmental and landscape impacts on the surrounding areas.
- (14) The applicant fails to demonstrate that the applied use will not have adverse environmental and sewerage impacts on the surrounding areas.

- (15) Approval of the application, even on a temporary basis, would set an undesirable precedent and encourage other applications for similar developments in the surrounding areas. The cumulative effect of approving such applications would result in a general degradation of the rural environment and landscape character of the area.

Advisory Clauses

- (a) the permission is given to the use(s) and development under application. It does not condone any other use(s) and development which currently exist on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use(s) and development not covered by the permission;
- (b) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the Lot at the Site is demised for agricultural use under the Block Government Lease. No structure shall be erected on the Lots without LandsD's prior approval. If the planning application is approved, the owner(s) of the Lot may have to submit to LandsD an application for Short Term Waiver to cover the structure built/to be built. LandsD would process the application in the capacity of the landlord. There is no guarantee that such application will be approved. If such application is approved, the approval will be subject to such terms and conditions, including payment of fees, as may be imposed by LandsD. If the planning application is not approved and if there is any unauthorized structure found on the Site, appropriate lease enforcement action will be taken by his office in accordance with the established practice;
- (c) to note the comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department that the Site partly falls into the proposed polder works area under Agreement No. CE 70/2015(CE) Tung Chung New Town Extension (West) – Design and Construction. It might be subject to land resumption at any time before the expiry of the planning permission. Besides, access should be allowed for the Government to carry out necessary advance works in relation to the proposed polder works;
- (d) to note the comments of the Director of Environmental Protection that there is no public sewerage available in the vicinity of the Site;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the planning application does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that no storage or placement of containers should be allowed within the "Conservation Area" zone. The applicant should also ensure that no discharge from the Site is diverted to Tung Chung Stream located to the east of the Site;
- (g) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD) that the Site is within an area where neither stormwater nor sewerage connection maintained by DSD is available in the vicinity at present. The applicant should be advised that adequate drainage works should be provided such that no adverse drainage impact would be induced to the areas in the vicinity and stormwater generated would be prevented from entering rivers/ streams; and

- (h) to note the comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department (BD) that for any existing structures 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 approved use under the subject application. Before any new building works 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. 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. If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. As 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.