

Previous S.16 Applications

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/DPA/NE-LYT/71	Private Lorry Park and Ancillary Car-repairing Workshop	12.8.1994 (on review)	R1 - R6
A/NE-LYT/314	Temporary Open Parking and Storage of Container Trailers, Lorries, Excavators and Construction Materials for a Period of 3 Years	9.12.2005	R7
A/NE-LYT/668	Proposed Temporary Animal Boarding Establishment and Dog Training Centre for a Period of 3 Years	20.7.2018	R8 & R9

Rejection Reasons:

- R1 The proposed development was not in line with the planning intention for the area in that it had not been demonstrated in the submission that the proposed development would have insignificant adverse impacts on the environment, traffic and drainage of the area.
- R2 The proposed development was not compatible with the surrounding land uses which were largely rural in character.
- R3 The proposed vehicular access to the application site was substandard and some mature trees along Sha Tau Kok Road would be affected if the required sight-line distance was to be provided.
- R4 No proposals on noise and dust mitigation measures had been included in the submission.
- R5 There were insufficient information on the provision of drainage facilities in the submission.

- R6 No landscaping proposals had been included in the submission.
- R7 The development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous planning approval had been given to the application site and there were no technical assessments/proposals submitted to demonstrate that the development would not generate adverse traffic, drainage and environmental impacts on the surrounding areas.
- R8 The proposed development was not in line with the planning intention of the "Agriculture" zone which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- R9 The applicant failed to demonstrate that the proposed development would not cause adverse environmental and traffic impacts on the surrounding areas.

Detailed Comments of Chief Engineer/Mainland North, Drainage Services Department

The applicant is required to update the drainage proposal to incorporate the following comments:

- (a) Catchpits should be provided at all interception points of drainage channels.
- (b) Peripheral U-channels with covers should be provided around the Site. The size of the proposed drainage channels should be indicated in the drawing.
- (c) The condition and size of the existing drainage channel outside the Site should be indicated in the drawing.
- (d) More photos should be provided showing how the collected stormwater would be discharged.
- (e) The applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the Site any time during or after the works.
- (f) The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his own expense. For works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N and/or relevant private lot owners. The applicant shall be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Office/North, Lands Department (DLO/N, LandsD) on the following:
 - (i) the occupation boundary and application boundary of the Site does not tally. Apart from the application lot, Lots 1027 and 1031 S.B ss.1 RP in D.D.83 are also being occupied; and
 - (ii) an unauthorized container type structure was found within the Site. If the planning application is approved, the applicant shall apply to his office for a Short Term Waiver (STW) to cover any structures on site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;

- (b) to note the comments of the Commissioner of Transport that the applicant should satisfactorily address the following:
 - (i) the vehicular access should be no less than 7.3m;
 - (ii) justify the adequacy of the parking spaces with reference to the number of vehicles visiting the Site and the operation of the proposed uses;
 - (iii) demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the Site, preferably using swept path analysis;
 - (iv) advise the management/control measures to be adopted for the proposed development to ensure no queuing of vehicles outside the Site; and
 - (v) it is noted that the Site is not directly connected to Sha Tau Kok Road. The applicant shall propose the provision and management of pedestrian facilities to ensure the safety of pedestrians;

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access road branching from Sha Tau Kok Road to the Site is an unallocated Government land and is not maintained by his office. The maintenance responsibility of this part of access road should be sorted out with DLO/N, LandsD;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public sewerage connection is available along Sha Tau Kok Road with a distance of 30m away from the Site and his detailed comments on the drainage proposal are appended in **Appendix III**;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the following:

- (i) the applicant should be advised to properly maintain all landscape plantings within the Site at all times during the planning approval period;
 - (ii) to approach relevant authority/Government department(s) direct to obtain the necessary approval on tree works such as felling, transplanting or pruning under lease; and
 - (iii) the importance of undertaking proper tree care for the existing trees. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:
 - Pictorial Guide for Tree Maintenance:
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf;
 - Handbook on Tree Management:
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html;
 - Tree Risk Assessment and Management Arrangement:
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html;
 - Minimising Tree Risks:
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf; and
 - Pictorial Guide for Tree Maintenance to Reduce Tree Risks:
[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
- (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under this application;
 - (ii) before any new building works (including temporary buildings/structures and containers etc.) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) if the proposed use under application is subject to the issue of a licence, 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;
 - (iv) 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)Rs) respectively; and

- (v) if the Site does not abut 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)Rs at the building plan submission stage;
- (g) to note the comments of the Chief Engineer/Construction, Water Services Department (WSD) that for provision of water supply to the development, the applicant may need to extend the 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 standard;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation on the following:
 - (i) under the current legislation, any person who provides food and accommodation for animals in return for a fee paid by the animal owner must apply for a Boarding Establishment Licence from his department; and
 - (ii) the applicant is reminded to implement good site practice so as not to pollute the nullah nearby;
- (i) to note the comments of the Director of Food and Environmental Hygiene that the operation of the subject dog training centre and animal boarding establishment should not cause any environmental nuisance at and in the vicinity of the Site; and
- (j) to note the comments of Director of Environmental Protection (DEP) on the following:
 - (i) the applicant should maintain good hygiene conditions and adopt mitigation measures to reduce odour nuisance;
 - (ii) the applicant shall first explore the feasibility to connect to the nearest public sewer (around 20-30m away from the Site). If negative, the applicant shall then explore whether the sewerage generated could be tankered away from the Site. The use of a septic tank and a soakaway system (STS) would only be the last resort; and
 - (iii) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the DEP in order to minimise any possible environmental nuisances.