

Previous s.16 Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/1040	Proposed Temporary Training Centre (Construction Lifting Crane) with Ancillary Site Office and Machinery Repair Workshop for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/10	20.1.2017 (on review)	1-3

Rejected Reason(s):

- 1 The development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation.
- 2 There is insufficient information in the submission to demonstrate that the development would not have adverse ecological, landscape, drainage and environmental impacts on the surrounding areas.
- 3 Approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Similar s.16 Applications for Recycling Workshop or Centre
within the same “AGR” Zone on the Ha Tsuen Fringe OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
1	A/YL-HT/967	Proposed Temporary Recyclable Collection Centre (Including Plastics and Metals) for a Period of 3 Years	“GB”, “AGR”	18.12.2015	1,3,4,5,8
2	A/YL-HTF/1093	Proposed Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR”, “R(D)”	1.2.2019	2,6,7

Rejected Reason(s):

1. The development is not in line with the planning intention of the “Green Belt” (“GB”) and “Agriculture” (“AGR”) zones which are primarily to promote the conservation of the natural environment and to safeguard them from encroachment by development and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes respectively. There is no strong planning justification to merit a departure from such planning intentions, even on a temporary basis.
2. The development is not in line with the planning intention of the “AGR” and “Residential (Group D)” (“R(D)”) zones. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.
3. The development is not compatible with the existing rural neighbourhood and landscape character, which comprises mainly vegetated land.
4. The development does not comply with the Town Planning Board (TPB) Guidelines No. 10 on ‘Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance’ in that the development would affect the natural landscape.
5. The development is not in line with the TPB Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that no previous approval has been granted for the site, there are adverse departmental comments on the drainage, agricultural, landscape and environmental aspects and there are local objections. The applicant fails to demonstrate that the proposed development would not generate adverse drainage, landscape and environmental impacts.
6. The applicant fails to demonstrate that the development would not generate adverse traffic and environmental impacts on the surrounding areas.
7. Approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.

8. Approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “GB” and “AGR” zones, the cumulative effect of which will result in a general degradation of the environment of the “GB” and “AGR” zones.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'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 prior approval of the Government. The Site is accessible from Deep Bay Road through Government Land and private lots. His office does not guarantee any right-of-way to the Site. The Site falls within "Sha Kong Miu (South) Site of Archaeological Interest" (AM96-0710). The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of 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 premium or fee, as may be imposed by the LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent from Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the coordinator 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 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) Regulations at the building plan submission stage;
- (e) to note the comments of the Director of Fire Services (D of FS) that 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 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;

- (f) to follow the relevant mitigation measures and requirements in the latest “*Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses*” issued by the Environmental Protection Department;
- (g) to note that comments of the Antiquities and Monuments Office (AMO) that the applicant is reminded to consult AMO should there be any changes of works that would involve site formation and/or ground excavation works for the applied use at the Site; and
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department’s (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity / operation, the applicant should arrange its disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.