

Previous s.16 Applications covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-PS/541	“Residential (Group C)” and “Village Type Development” on approved Ping Shan Outline Zoning Plan(OZP) No. S/YL-PS/16	Temporary Cargo Handling and Forwarding Facility and Ancillary Warehouses and Car Parking Facilities for a Period of 3 Years	13.10.2017 by RNTPC	(1) to (4)
2.	A/HSK/84	“Government, Institution and Community” and “Village Type Development” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Cargo Handling and Forwarding Facility with Ancillary Warehouses and Car Parking Facilities for a Period of 3 Years	3.8.2018 by RNTPC (rejected upon reviewed by Town Planning Board on 25.1.2019)	(1) to (4)

Rejection Reason

- (1) Not in line with planning intention
- (2) Not compatible with the surrounding land uses
- (3) Not comply with the Town Planning Board Guidelines No. 13E
- (4) Undesirable precedent for similar applications

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development of the Site;
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. cargo handling and forwarding facility with warehouses) which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note that the Site might be resumed at any time during the planning approval period for the implementation of government project;
- (e) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule 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. No permission is given for occupation of government land (GL) (about 82m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Hung Shui Kiu Main Street through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. Lot No. 1095 in D.D. 124 is covered by Short Term Waiver (STW) No. 1314 for Food Factory. The STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permit the structures to be erected or regularise any irregularities on Site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the LandsD acting in the capacity as 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;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the Site. If the existing structures (not being a NTEH) are erected on leased land without approval of the BD, they are UBW under the BO and should not be designated for any proposed 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. 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 of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the coordinator for

the proposed building works in accordance with 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;

- (g) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space should be provided within the Site. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (h) 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 nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Hung Shui Kiu Main Street;
- (i) to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise potential environmental nuisance to the surrounding area;
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no FEHD's 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 disposal properly at his/her own expenses. Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public;
- (k) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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 FSIs 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 BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works; and
- (m) to note the comments of the Project Manager (West), Civil Engineering and

Development Department (PM(W), CEDD) that the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within “V” zone and the proposed access road falls under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site, involving the proposed access road in question, will not be arranged before the first population intake of the HSK NDA expected in 2024.