

Previous s.16 Application covering the Site

Rejected Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reason(s) for Rejection</u>
1.	A/HSK/158	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Private Club (3 years)	5.7.2019	1

Reason for Rejection:

- 1 the development is not in line with the planning intention of the “Village Type Development” zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong justification to deviate from the planning intention, even on a temporary basis.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 the prior approval of the Government. Lot No. 1149 in D.D. 125 is covered by Short Term Waiver No. 4569 (STW4569) for the purposes of Temporary Shop and Services (Real Estate Agency). The STW holder will need to apply to his office for modification of the STW conditions where appropriate. 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. The Site is accessible to San Sik Road through GL and private lots. His office provides no maintenance works over the GL involved and does not guarantee any right-of-way to the Site;
- (c) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. 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;
- (d) 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. HyD shall not be responsible for the maintenance of any access connecting the Site and temporary road near San Sik Road;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (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, demolition and land filling) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator 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) Regulation (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 Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, 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 (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that flooding incident was recorded in the close proximity of the Site and some site formation works have lately been carried out with the general ground level raised thus altering the overland flow path in the area and his comments on the submitted drainage proposal that :
- (1) According to the proposed drainage plan, the surface runoff from the Site would be collected and discharged to a local village drain underneath the adjacent vehicular access. As it will increase the loading to the existing drains next to the village houses to the north of the Site, the applicant should review the stormwater disposal scheme, such as directing the flow away from the said village houses.
 - (2) Raised ground level of the Site would alter or impede the existing overland flow path across the Site unless adequate peripheral channels are provided to intercept the overland flow from the adjacent area and properly convey the surface runoff to downstream. The applicant should review the proposed drainage facilities.
 - (3) Drainage facilities such as surface channels and catch pits shall be provided to collect the surface runoff accrued on the Site.
 - (4) Please demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands.
 - (5) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The relevant connection details should be provided for comment. In the case that local village drains are involved, District Officer/Yuen Long should be consulted.
 - (6) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
 - (7) The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel.
 - (8) Consideration should be given to provide grating for the surface channels.
 - (9) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (10) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.

- (11) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (12) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (13) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
- (14) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (15) The applicant should consult District Lands Officer/Yuen Long and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.