

Previous Application Covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/TM-LTY Y/304	Proposed Temporary Industrial Use (Food Processing Factory) for a Period of 3 Years	12.8.2016	(1), (2), (3)

Main Reasons for Rejection

- (1) Not in line with the planning intention of “R(C)” and “R(D)” zones.
- (2) Fails to demonstrate that the proposed development would not generate adverse water quality impact on the environment and would not generate adverse traffic impact on the surrounding areas
- (3) Undesirable precedent.

Advisory clauses

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the Site comprises a private lot (Lot 1150 RP in D.D. 130) and adjoining government land. The said lot is an old schedule 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. A short term waiver (STW) was granted to permit the erection of structures for metalware manufactory purpose. However it is noted that the existing structures on the lot are used for storage purpose which is in breach of the STW. The applicant has applied to his office for land exchange of the Site to permit residential development with a maximum plot ratio, site coverage and building height of 0.3468, 40% and 9m respectively. Processing of the land exchange application is withheld as the applicant claimed that he would apply for planning permission to allow the proposed development. The site area stated in the planning application, i.e. 546.7m², is slightly different from that of the land exchange application, which is about 547.9m². The proposed development parameters are also different. Currently, access to the Site from Wong Kong Wai Road will pass through a private lot, Lot 1150 S.A RP in D.D. 130. The applicant proposed to utilize the adjoining government land to provide access to the Site. The applicant will need to submit a revised land exchange application to LandsD to effect the proposal. He would advise that the land exchange proposal will only be considered upon their receipt of formal application to his office from the applicant. He would also advise that there is no guarantee that the application, if received by LandsD, will be approved or approval will be given to utilize the government land concerned or a right of way will be given. He would reserve his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at his sole discretion. It would be subject to such terms and conditions as the Government shall deem fit, including, among others, charging the premium and administrative fee as may be imposed by LandsD. The Government reserves the right to take enforcement actions against any breach of the lease conditions and the STW. The Government also reserves the right to take enforcement actions against any unauthorized occupation of government land. It appears from the photos provided that there may be some public utilities and installations within the government land portion of the Site, e.g. fire hydrant, electricity metre boxes and poles, railing, etc. There is no guarantee that approval will be given for the relocation of these facilities. The issue will be considered in detail at the land exchange stage, and his comments are reserved;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there is no record of approval by the Building Authority for the structures existing at the Site. If the existing structures are erected on leased land without approval of the Buildings Department (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 application. Before any new building works (including containers / open sheds as temporary buildings) 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 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. 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 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 Building (Planning) Regulation at the building plan submission stage. Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage.

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct a run in/out at the access point at Wong Kong Wai Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The proposed access from the Site to Wong Kong Wai Road is not and will not be maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note the comments of Director of Environmental Protection that the applicant should be reminded to comply with all relevant environmental pollution control ordinance during construction of development and to implement appropriate mitigation measures/practices as set out in the Recommended Pollution Control Clauses for Construction Contracts. Regarding the proposed on-site septic tank with soakaway pits, please be advised that the Site is located at an unsewered area and the design and construction of the proposed septic tank should follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person; and
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, the EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under Building (Planning) Regulation 41D which is administrated by the Buildings Department.