

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/414	Temporary Racing Circuit for a Period of 3 Years	“AGR”	29.7.2005	1-3
2.	A/YL-HT/458	Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years	“AGR”	1.9.2006	4-6
3.	A/YL-HT/471	Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years	“AGR”	30.3.2007 (on review)	4-6
4.	A/YL-HT/884	Temporary Warehouse for Storage of Mock-up Room of the Housing Development under Home Ownership Scheme and Public Housing for a Period of 3 Years	“AGR”	6.6.2014 (on review)	4-7

Rejected Reason(s):

- 1 Not in line with the planning intention of the "GB" and “AGR” zone. There was no strong justification in the submission for a departure from the planning intentions, even on a temporary basis.
- 2 There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts.
- 3 Approval of the application would set an undesirable precedent for similar applications in the "GB" and "AGR" zones, the cumulative impact of which would result in general degradation of the environment in the area.
- 4 Not in line with the planning intention of the "AGR" zone. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis.
- 5 There was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage, environmental, landscape and/or traffic impacts on the surrounding areas.
- 6 Approval of the application would set an undesirable precedent for applications for other developments within the "AGR" zone, the cumulative effect of which would result in a general degradation of the environment of the "AGR" zone.
- 7 The development is not compatible with the rural neighbourhood and the surrounding residential dwellings.

**Similar s.16 Applications for Warehouse uses
within the same "AGR" Zone on the Ha Tsuen Fringe OZP**

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/856	Temporary Open Storage of Construction Materials and Warehouse with Ancillary Office for a Period of 3 Years	"AGR"	15.11.2013 (on review)	1-3

Rejected Reason(s):

- 1 Not in line with the planning intention of "AGR" zone. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis.
- 2 Not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site, there are adverse departmental comments on the agricultural, landscape and environmental aspects, and the development would have adverse, agricultural, landscape, traffic and environmental impacts on the surrounding areas. There is insufficient information submitted to demonstrate that the proposed development would not generate such adverse impacts.
- 3 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.

Advisory clauses

- (a) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the Site comprises 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. The Site falls within "Fu Tei Au Site of Archaeological Interest" (AM98-0910). The Site is accessible from Deep Bay Road through Government Land (GL). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner will need to apply to his office for permitting the structures to be erected or to 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;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed access arrangement is agreed by Transport Department (TD), a proper road connection or run-in/out should be constructed to the satisfaction of TD and HyD. Adequate drainage measures should be provided at the site access to prevent the surface water flowing from the Site to nearby public roads/drains. The proposed access will be across the existing U-channel between the Site and Deep Bay Road. The applicant should design, construct and maintain the access, including the U-channel, without disruption to the existing drainage system to the satisfaction of his department. The applicant is required to submit the relevant access proposal for his further comment. After the expiry of the planning application, the applicant is required to reinstate the affected area (i.e. the existing U-channel) to its original status. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that the applicant is reminded that approval of the Landscape Proposal under planning application does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside the Site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain necessary approval;
- (d) 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 the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned 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 his department should be obtained, otherwise they are UBW. An Authorized Person 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) 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;

- (e) 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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, 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; and
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize potential environmental nuisance to the surrounding area.