

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/64	Temporary open storage of construction materials and construction machinery for a period of 12 months	“AGR” on OZP No. S/YL-HT/1	8.1.1999	1-4
2.	A/YL-HT/77	Temporary Open Storage of Water Pipes for 12 Months	“AGR” on OZP No. S/YL-HT/1	9.7.1999 (on review)	1,2,4,5
3.	A/YL-HT/368	Temporary Workshop for Recycling Plastic Waste and Open Storage of Plastic Raw Materials for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/5	14.1.2005	1,4,6
4.	A/YL-HT/391	Temporary Workshop for Recycling Plastic Waste and Open Storage of Plastic Raw Materials for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/6	16.9.2005 (on review)	1,4,6
5.	A/YL-HT/453	Temporary Open Storage of Construction Materials (Steel and Scrap Metal) for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/7	10.11.2006 (on review)	1,4,7
6.	A/YL-HT/744	Temporary Open Storage of Used Electronic Appliances and Parts for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/10	2.9.2011	1,4,8,9
7.	A/YL-HTF/1093	Proposed Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)” on OZP No. S/YL-HTF/12	1.2.2019	3,4,10

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 The development is not compatible with the land uses of the surrounding areas which include village houses and agricultural uses.
- 3 There is insufficient information in the submission to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas
- 4 The 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.
- 5 Deep Bay Road is not suitable for the open storage use under application and the curve radii and sight distance for the S-bend at the access track leading to the site are substandard. There is insufficient information in the submission to demonstrate that the development would not have significant traffic impact on the surrounding area.
- 6 The development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses No. TPB PG-No.13C, in that there were adverse comments from Government departments and there was insufficient information in the submission to demonstrate

that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding area.

- 7 The development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse comments from the Government departments, there was no previous planning approval, and that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.
- 8 The development was 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 had been granted for the site, there were adverse departmental comments on the application, and the development would have adverse traffic, drainage, landscape and environmental impacts on the surrounding areas. No technical assessment had been included in the submission to address such adverse impacts.
- 9 The development was not compatible with the rural neighborhood.
- 10 The development is not in line with the planning intentions 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.

**Similar s.16 Applications for Recycling Workshop or Centre
within the same “AGR” and “R(D)” Zones on the Ha Tsuen Fringe OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Reasons</u>
1	A/YL-HTF/1085	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	R(D)	4.5.2018 (Revoked on 4.8.2019)	1-13

Approval Condition(s)

1. Revocation clauses.
2. Reinstatement clause.
3. No night-time operation/no operation on Sundays and public holidays.
4. The submission and implementation of landscaping and tree preservation proposals.
5. The submission and implementation of drainage facilities proposals.
6. The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS 251).
7. The submission and implementation of fire service installations.
8. The provision of fencing of the site.
9. Maintenance of existing fencing on the site at all times during the planning approval period.
10. No open storage of materials.
11. Maintenance of drainage facilities on site and/or submission of a condition record of the existing drainage facilities.
12. No vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle is allowed to enter, park or operate at the site at any time
13. No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times

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 By RNTPC	1-5

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 compatible with the existing rural neighbourhood and landscape character, which comprises mainly vegetated land
3. 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
4. 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

5. The 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.

**Appendix V of RNTPC
Paper No. A/YL-HTF/1096**

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments 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 GL (about 600 m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. The Site is accessible from Deep Bay Road and Kai Pak Ling Road 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. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) of the lot(s) without Short Term *Waiver Tenancy* will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. 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. 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;
- (d) to note the comments of the Commissioner for Transport that the local track leading to the Site is not under Transport Department's (TD) 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;
- (e) 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 to the Site;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that it is noted that '*Taxus chinensis*' (紅豆杉樹) is proposed to be planted along the boundary of the Site. Since this species is an exotic species, it is preferable to plant native species instead.
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that approval of the application under S.16 does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to demonstrate with hydraulic calculation whether 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. The ground to the south and east of the Site are hilly. External catchment shall be taken into account in the assessment of proposed drainage facilities. It is required to 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). In the case that local village drains are involved, District Officer/Yuen Long should be consulted. The gradients and the sizes of the proposed U-channels should be shown on the drainage plan. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. Consideration should be given to provide grating for the surface channels. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult District Lands Officer/Yuen Long, Lands Department 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.
- (i) 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 Buildings Department (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 application 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 application 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) 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;
- (j) 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;

- (k) 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; and
- (l) 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. 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. For any waste generated from the such work / operation, the applicant should arrange disposal properly at their own expenses.