

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-HTF/1101	Temporary Recyclable Collection Centre for Metal and Garment for a Period of 3 Years	R(D)	17.1.2020 (Revoked on 17.7.2020)	1-10

Approval Condition(s)

1. Revocation clauses.
2. Reinstatement clause.
3. No night-time operation/no operation on Sundays and public holidays.
4. 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
5. No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times
6. The implementation of drainage facilities proposals.
7. The submission and implementation of fire service installations.
8. No open storage of materials.
9. Maintenance of drainage facilities on site.
10. Maintenance of existing trees.

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

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration</u>	<u>Approval Conditions</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)	1-8,10,11
2	A/YL-HTF/1099	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	“R(D)”	13.12.2019 (Revoked on 13.3.2020)	1,3-6,8-10
3	A/YL-HTF/1107	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	“R(D)”	4.9.2020	1,3-6,8-10

- 1 No night time operation/operation on Sundays and Public Holidays.
- 2 No open storage.
- 3 No medium or heavy goods vehicle exceeding 5.5 tonnes is allowed to enter / exit or to be parked / stored on the Site.
- 4 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 5 Submission and implementation of drainage proposal.
- 6 Submission and implementation of fire service installations proposal.
- 7 Submission and implementation of landscape proposal.
- 8 Maintenance of drainage facilities.
- 9 Maintenance of existing trees.
- 10 Revocation clauses.
- 11 Reinstatement clause.

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-HTF/1093	Proposed Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)”	1.2.2019	1,3,4
2	A/YL-HTF/1096	Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)”	20.9.2019	2-4
3	A/YL-HTF/1108	Temporary Plastic Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“R(D)”	4.12.2020	5,6

- 1 The applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas.
- 2 The applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.
- 3 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.
- 4 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.
- 5 The applied use is not in line with the planning intention of the “R(D)” zone, which is 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 intention, even on a temporary basis.
- 6 The applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) 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. The lot owner(s) of the lot(s) without Short Term Waiver will need to apply to his office for permitting the structures to be erected or 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. Application(s) for any of the above will be considered by 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 LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on application site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator 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 the prevailing 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. 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road;
- (f) to note the comments of the Director of Environmental Protection 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;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD) that approval of the section 16 application by the Town Planning Board does not imply the approval of tree works such as felling/ transplanting or pruning under lease. Tree works applications should be submitted direct to relevant authority for approval if necessary;

- (h) 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;
- (i) to note the comments of the Chief Engineer/Construction, Water Services Department (CE/C, WSD) that for the provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (j) to note the comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB) that the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the applied use.