

**Previous s.16 Application covering the Site**

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
1.	A/YL-LFS/99	“REC” on approved LFS&TBT OZP No. S/YL-LFS/6	Temporary warehouse & open storage of construction materials (3 years)	7.2.2003 4.7.2003 by TPB (Review)	1, 2, 3

**Rejection Reasons**

1. The development was not in line with the planning intention of the "Recreation" zone which was to designate areas for development restricted to recreational uses
2. There was insufficient information in the submission to demonstrate that the development would not be adverse traffic and drainage impacts on the surrounding areas.
3. Approval of the application would set an undesirable precedent for other similar planning applications, the cumulative effect would result in adverse traffic impact and a general degradation of the surrounding area

**Similar s.16 Applications within the subject "REC" zone  
on the Lau Fau Shan and Tsim Bei Tsui (LFS&TBT) Outline Zoning Plan (OZP)**

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
1.	A/YL-LFS/104	"REC" on approved LFS&TBT OZP No. S/YL-LFS/5	Temporary godown for storage of cleaning agents (3 years)	4.4.2003	1, 2, 3
2.	A/YL-LFS/114	"REC" on approved LFS&TBT OZP No. S/YL-LFS/5	Temporary godown for storage of cleaning agents (3 years)	29.8.2003	1, 2, 3

**Rejection Reasons**

- 1 The proposed development is not in line with the planning intention of the "Recreation" ("REC") zone which is to encourage the development of recreation and eco-tourism.
- 2 There is insufficient information in the submission to demonstrate that the development would not have adverse environmental, ecological, traffic, drainage or landscape impacts on the surrounding areas.
- 3 The approval of this application would set an undesirable precedent for similar applications, the cumulative impacts of which would result in a general degradation of the environment of the "REC" zone.

**Detailed comments of concerned Government departments**

**Detailed comments of the Chief Town Planner/Urban Design and Landscape,  
Planning Department (CTP/UD&L, PlanD)**

- (a) The applicant is advised that there should be a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree, and that precautionary measure such as kerbs and/or bollards should be proposed to prevent damage to the trees.
- (b) Useful information published by the GLTM Section, DEVB is available for reference in:
- Tree Maintenance For Private Properties 私人物業樹木護養資料 (Chinese Version: [http://www.greening.gov.hk/tc/tree\\_care/info\\_private.html](http://www.greening.gov.hk/tc/tree_care/info_private.html))
  - Tree Risk Assessment and Management Arrangement 樹木風險評估及管理安排 (Chinese Version: [http://www.greening.gov.hk/tc/tree\\_care/tra\\_arrangements.html](http://www.greening.gov.hk/tc/tree_care/tra_arrangements.html))
  - Handbook of Tree Management 樹木管理手冊 (Chinese Version: [https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html))

**Detailed comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)**

- (a) He has no objection in principle to the proposed development from drainage point of view. He provides comments on the submitted drainage proposal at below:
- (i) 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) should be indicated on plan. The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.
  - (i) Further to (i) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence/existing condition.
  - (ii) Consideration should be given to provide grating for the surface channels.
  - (iii) The cover levels and invert levels of the proposed u-channels,

catchpits/sand traps should be shown on the drainage plan.

- (iv) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
- (v) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (vi) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (vii) 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.
- (viii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (ix) The applicant should consult DLO/YL 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.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 Government Land (GL) of about 910m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The private land (PL) of Lot No. 1679 in D.D. 129 is covered by Short Term Waiver (STW) No. 1176 to permit structures for the purpose of "Soy Sauce and Preserved Food Factory". The Site is accessible to Deep Bay Road through both PL and GL. Her office provides no maintenance work for 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 owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on site. Besides, 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. Furthermore, the STW holder will need to apply to her office for modification of the STW conditions if there is any irregularity on site. Such application would 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 will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by LandsD;
- (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. 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 Deep Bay Road;
- (e) 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;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that he has the following comment to

the submitted drainage proposal:

- (i) 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) should be indicated on plan. The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.
  - (ii) Further to (i) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence/existing condition.
  - (iii) Consideration should be given to provide grating for the surface channels.
  - (iv) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
  - (v) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
  - (vi) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
  - (vii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
  - (viii) 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.
  - (ix) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
  - (x) The applicant should consult DLO/YL 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.
- (g) 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 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 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.

- (h) 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. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirement will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the applicant shall resolve any land matter (such as private lots) associated with the provision of water supply to the application lot and shall be responsible for the laying, operation and maintenance of any related water mains on private lots to WSD's standards; and
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the Applicant is reminded that approval of the tree preservation and landscape proposal by the Board under S.16 application does not imply approval for tree works such as pruning, transplanting and/or felling under lease. Tree Removal Applications should be submitted direct to DLO for approval. The applicant is advised that there should be a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree, and that precautionary measure such as kerbs and/or bollards should be proposed to prevent damage to the trees. Useful information published by the GLTM Section, DEVB is available for reference in:
- Tree Maintenance For Private Properties 私人物業樹木護養資料 (Chinese Version: [http://www.greening.gov.hk/tc/tree\\_care/info\\_private.html](http://www.greening.gov.hk/tc/tree_care/info_private.html))
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