

Previous s.16 Applications covering the Site

Rejected Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1.	A/YL-LFS/26	“CPA” and “REC” on draft LFS&TBT OZP No. S/YL-LFS/2	Temporary open storage of construction materials (12 months)	3.4.1998 24.7.1998 by TPB (Review)	1, 2, 3, 4
2.	A/YL-LFS/38	“REC” on draft LFS&TBT OZP No. S/YL-LFS/2	Temporary Open Storage of Construction Materials (12 months)	5.2.1999	3, 4, 5, 6
3.	A/YL-LFS/123	“REC” on draft LFS&TBT OZP No. S/YL-LFS/6	Temporary Open Storage of Recycling Plastic Materials and Workshop (3 years)	14.1.2005	4, 5, 7, 8
4.	A/YL-LFS/134	“REC” on approved LFS&TBT OZP No. S/YL-LFS/7	Temporary Plastic Recycling Workshop (3 years)	15.7.2005	4, 8, 9

Rejection Reasons

1. The development is not in line with the planning intention of the "Coastal Protection Area"("CPA") zone on the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/2, which is to protect the natural coastline with a minimum amount of building development. The subject development is also not in line with the planning intention of the "Recreation" ("REC") zone on the same OZP, which is to designate areas for developments restricted to recreational uses and encourage the development of recreation and eco-tourism. There is no strong justification in the submission for a departure from the planning intentions even on a temporary basis.
2. The development is not compatible with the village houses and agricultural uses in the surrounding areas.
3. There is insufficient information in the submission to demonstrate that the development will not have adverse traffic and drainage impacts on the surrounding areas.
4. The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would further degrade the environment of the area.
5. The proposed development is not in line with the planning intention of the "Recreation" zone on the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan which is to designate areas for developments restricted to recreational uses and encourage the development of recreation and eco-tourism. There is no strong justification for a departure from the planning intention even on a temporary basis.
6. The proposed development is not compatible with the surrounding land uses including scattered houses and farming activities in the vicinity.
7. The development was not compatible with the surrounding rural character which mainly comprises scattered pigsties, chicken sheds, warehouse (animal feed) and village houses.
8. 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 was no previous approval, there were local objection and 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.
9. The development was not in line with the planning intention of the "Recreation" zone which was intended primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis.

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

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/223	“REC” on approved LFS&TBT OZP No. S/YL-LFS/7	Temporary Warehouse for Storage of Animal Feed (3 years)	23.9.2011 (revoked on 23.8.2013)	1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14
2.	A/YL-LFS/261	“REC” on approved LFS&TBT OZP No. S/YL-LFS/7	Temporary Warehouse for Storage of Animal Feed (3 years)	9.5.2014	1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13
3.	A/YL-LFS/295	“REC” on approved LFS&TBT OZP No. S/YL-LFS/7	Renewal of Planning Approval for Temporary "Warehouse for Storage of Animal Feed" (3 years)	28.4.2017	1, 2, 4, 7, 9, 11, 12, 13, 15

Approval Conditions

- 1 No night-time operation, and/or no operation on Sundays and public holidays.
- 2 No medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance was allowed to enter, park or operate at the Site.
- 3 No packing, grinding, manufacturing/ cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, and other workshop activity is allowed.
- 4 No open storage of materials is allowed on the Site.
- 5 The warehouse(s) should not be used for storage of any materials other than animal feed.
- 6 No vehicle over 10m long is allowed to enter, park or operate at the site.
- 7 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 8 The provision of drainage facilities.
- 9 Maintenance of existing drainage facilities and the submission of a condition record of the existing drainage facilities.
- 10 The submission and/or implementation of landscape proposals.
- 11 Submission of FSIs proposals and/or the provision of FSIs.
- 12 Revocation clauses.
- 13 Reinstatement clause.
- 14 The applicant should allow unobstructed access to all parts of the development for unscheduled site inspections by employees of the Government.
- 15 No workshop activity.

Rejected Applications

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1.	A/YL-LFS/91	"REC" on approved LFS&TBT OZP No. S/YL-LFS/7	Temporary warehouse (3 years)	13.9.2002 10.1.2003 by TPB (Review)	1, 2, 3
2.	A/YL-LFS/214	"REC" on approved LFS&TBT OZP No. S/YL-LFS/5	Proposed temporary warehouse (storage of recyclable materials including plastics, metals, clothes and wood product) and ancillary workshop (3 years)	23.12.2010	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 Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

- (a) The Site, located to the north of Deep Bay Road lies in an area of “Recreation” zone. An area of “Coastal Protection Area” zone lies to the west of the site. The Site is subject of previously rejected planning Application No. A/YL-LFS/134 for open storage of recycling plastic bottles to which we had reservations from the landscape planning perspective. The current application seeks planning permission for a temporary warehouse for storage of plastic and retail of plastic pellets for a period of 3 years.
- (b) With reference to the aerial photo of 2018, it is observed that the Site is hard paved and used for open storage. No significant vegetation is observed within the Site. The Site is situated in an area of coastal plains landscape character disturbed by open storage yards and temporary structures. The proposed use and extensive hard paving is incompatible with the environment and its landscape character.
- (c) When comparing the aerial photos of 2006, 2015 and 2018 it is observed that the site and its vicinity was originally vegetated with trees and shrubs but gradual landscape impact is observed within the Site and its vicinity. Adverse landscape impact has taken place.
- (d) The approval of the application would set an undesirable precedent likely to encourage the proliferation of other incompatible uses to the area. The cumulative impact of which would be the general degradation of the coastal plains landscape character and overall integrity of the “REC” zone. In consideration of the “Coastal Protection Area” zone to the north west, the extensive hard paving may have adverse off-site impact caused by the contaminated soil, tainted water run-off and/or changes to the water table. Hence his office has reservations on the application from the landscape planning perspective
- (e) Should the application be approved, in view of the above, he would recommend the following approval condition to be included in the permission:

The submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board

(f) Other Advisory Comments:

- (i) The Applicant is advised that approval of the landscape proposal by the TPB under S.16 or Approval Condition 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 the necessary approval.
- (ii) 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 measures such as kerbs and/or bollards should be proposed to prevent damage to the trees.
- (iii) Useful information on the requirements of a landscape proposal can be found in the related "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses" published by PlanD.
- (iv) The submission and implementation of a landscape proposal including a tree preservation scheme to the satisfaction of the D of Planning or of the TPB.

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

- (a) He has no objection in principle to the proposed application 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.
 - (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.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) the Site should be kept in a clean and tidy condition at all time;
- (c) 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. The Site is accessible to Deep Bay Road through both Government land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on Site. Such application 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 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 fee, as may be imposed by the LandsD;
- (d) 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. 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 access arrangement should be commented by TD. Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads/drains. His office shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (g) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that approval of the landscape proposal by the TPB under S.16 or Approval Condition 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 the necessary 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 measures such as kerbs and/or bollards should be proposed to prevent damage to the trees. Useful information on the requirements of a landscape proposal can be found in the "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses" published by PlanD;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that he has the following comments on 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.
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) 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 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. 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;

- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to adopt good site practices and implement water pollution control measures as necessary in order to avoid affecting the Coastal Protection Area zone to the northwest of the Site; and
- (k) 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 him 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. Attached good practice guidelines for open storage should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.