

Previous s.16 Applications covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-LFS/99	Temporary Warehouse & Open Storage of Construction Materials for a Period of 3 Years	REC	4.7.2003 (Upon 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 there would not be adverse traffic and drainage impacts on the surrounding area.
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.

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition</u>
1.	A/YL-LFS/320	Temporary Warehouse for Storage of Documents for a Period of 3 Years	REC	6.7.2018	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

Approval Conditions

1. No night time operation.
2. No operation on Sundays and public holidays.
3. No vehicle exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor is allowed to enter/exit or to be parked/stored on the site.
4. No workshop activity is allowed on the site.
5. No open storage of materials is allowed on the site.
6. No vehicle is allowed to queue back to or reverse onto/from the public road.
7. The provision of fencing.
8. The submission and implementation of a revised drainage proposal.
9. The implemented drainage facilities on the site shall be maintained at all times.
10. The submission and implementation of a fire service installations proposal.
11. The submission and implementation of a revised tree preservation and landscape proposal.
12. Revocation clauses.
13. Reinstatement clause.

**Similar s.16 Applications for Temporary Warehouse Use
within “REC” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/104	Temporary Godown for Storage of Cleaning Agents for a Period of 3 Years	REC	4.4.2003	1, 3, 5
2	A/YL-LFS/114	Temporary Godown for Storage of Cleaning Agents for a Period of 3 Years	REC	29.8.2003	1, 3, 5
3	A/YL-LFS/332	Proposed Temporary Warehouse for Storage of Scrap Metal for a Period of 3 Years	REC	2.1.2019	2, 4, 6

Rejected Reasons

1. The development was not in line with the planning intention of the "Recreation" zone which was to encourage the development of recreation and eco-tourism.
2. The proposed development is not in line with the planning intention of the “Recreation” (“REC”) zone which is intended primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
3. There was insufficient information in the submission to demonstrate that there would not have adverse environmental, traffic and drainage impacts on the surrounding area.
4. The applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.
5. Approval of the application would set an undesirable precedent for other similar planning applications such that the cumulative effect would result in adverse environmental and traffic impact and general degradation of the surrounding area.
6. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications for other departments within the “REC” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and 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 with an area of about 910m² included in the Site. The act of occupation of remaining 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 "A Soy Sauce and Preserved Food Factory". The STW holders will need to apply to his office for modification of the STW conditions where appropriate. 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. Moreover, the lot owner(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity 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. Applications 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 applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department'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 note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP);
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant shall approach relevant authority/Government department(s) direct to obtain necessary approval on tree 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 Houses) are erected on leased land without the approval

of the Building Authority (BA), 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 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 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 the Site, prior approval and consent of the BA 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. 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 the building plan submission stage;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit building works to BD for approval as required under the provisions of the BO; and
- (j) to note the comments of the Director of Fire Services (D of FS) that the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (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. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.