

Similar Application within the subject “U” zone on the OZP

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1.	A/YL-TYST/850	Social Welfare Facility (Residential Care Home for the Elderly)	6.4.2018	(1), (2), (3)

Rejection Reasons:

- (1) The site is located in an area occupied by warehouses, storages, open storage yards and vehicle repair workshops. The proposed development is considered incompatible with the surrounding area and domestic use should not be encouraged at the site.
- (2) The long-term development of the general area is subject to the Planning and Engineering Study for the Housing Sites in Yuen Long South. The approval of the application would jeopardise the long-term development of the area as recommended in the study.
- (3) The applicant fails to demonstrate that the development would not be subject to adverse environmental impacts nor create adverse sewerage impact on the surrounding area.

From:
To: <cknwong@pland.gov.hk>,
Date: 14/05/2019 14:32
Subject: Re: 規劃申請編號A/YL-TYST/967 - 新界元朗公庵路白沙村丈量約份第119約地段第
1504號B分段作臨時社會福利設施(殘疾人士院舍)(為期3年)

Support

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 that the Site is accessible to Kung Um Road via both unleased Government Land (GL) and adjoining private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The applicant must accordingly make his own arrangements for acquiring such right-of-way. The Site is located on Lot 1504 S.B. in D.D. 119 (“the Lot”) and the Lot is covered by Building Licence No. 197 (“BL 197”) permitting the erection of a 3-storey building not exceeding 25ft in height and the built-over area of the building shall not exceed 700ft² for non-industrial purposes. The portion of the Lot which is not hereby permitted to be built upon shall continue to be used for agricultural purposes in accordance with the Block Government Lease. For any structure(s) to be erected on any area of the Lot not permitted by BL 197, the landowner of the Lot should submit application to her office for a Short Term Waiver 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 wavier fee and administrative fee, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space within the Site should be provided for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department 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. His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road;
- (e) to note the comments of the Director of Environmental Protection that the applicant is reminded to implement the mitigation measures in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department as appropriate to minimise the potential nuisances from the surrounding area if any;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 FSIs 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 (BO) (Cap. 123) or licence is required for the subject residential care home for peoples with disabilities, detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under 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 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 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 BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with 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. 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 B(P)R at the building plan submission stage. If the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the Site falls within the project boundary of the proposed Yuen Long South (YLS) Development - Stage 2. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong. The applicant is reminded that extension of the planning permission may not be supported in the future when the detailed implementation programme of works at the Site under YLS Development - Stage 2 is formulated.