

Similar Application within the same “G/IC(1)” Zone on the OZP

Rejected Application

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC)	Rejection Reason(s)
1	A/YL/219	Proposed Office and Shop and Services cum Public Open Space	22.4.2016	(1), (2)

Rejection Reason(s):

- (1) The proposed development is not in line with the planning intention of the “G/IC” zone. No strong planning justification has been given to justify the deviation from the planning intention
- (2) Approval of the application would set an undesirable precedent for similar applications within the “G/IC” zone on the OZP. The cumulative impact of approving such similar applications would affect the land available for GIC use.

Advisory clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and an Old Schedule Agricultural Lot held under 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 (about 73m² subject to verification) included in the Site. Attention should be drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The lot owner(s) will need to apply to his office to permit 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. Furthermore, the applicant has to exclude the GL portion from the Site. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is 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.;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses" issued by DEP to minimize potential environmental impacts on the surrounding environment;
- (d) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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. 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 FSIs to be installed should be clearly marked on the layout plans. In addition, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) 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 the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW). 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 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. 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. 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. Adequate fire separation should be provided between office & shop under Subsection C7 of the Code of Practice for Fire Safety in Buildings 2011 (FS Code). Means of Escape requirement under FS Code should be followed, e.g. width of stair. Detailed checking under the BO will be carried out at building plan submission stage; and

- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant is reminded to submit the proposed building works to the BD for approval as required under the provisions of the BO. The applicant is reminded that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. Depending on the nature of foundation, if necessary, of the new development at the proposed area, extensive geotechnical investigation may be required. Such investigation may require a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site.