

Previous s.16 Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/137	Temporary open storage of construction machinery and construction material (3 years)	“R(D)” on draft Ha Tsuen OZP No. S/YL-HT/3	31.3.2000	1-3

Rejected Reason(s):

- 1 Not in line with the planning intention of the “R(D)” zone which is to provide incentives for improving and upgrading the existing domestic accommodations within the zone. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- 2 No information to demonstrate that the development would not have adverse traffic, environmental, and drainage impacts on the surrounding areas.
- 3 Approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone, the cumulative impact of approving such similar applications 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 development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (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 Kai Pak Ling Road through a local track on both private lots and Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 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. The local track and Kai Pak Ling Road leading to the site are not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track and Kai Pak Ling Road for using them 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 the access arrangement should be commented by TD. Adequate drainage measures should be provided at the site to prevent surface water running from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Fung Kong Tsuen Road;
- (f) 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 the 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 should be appointed as the coordinator 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 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. 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) Regulations at the building plan submission stage;

- (g) 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. 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. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) 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; and
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.