

**Similar S.16 Application for Temporary Private Vehicle Park
within “Agriculture” Zone in the Vicinity of the Application Site in the Past Five Years**

Rejected Application

<u>Application No.</u>	<u>Uses/ Development</u>	<u>Date of Consideration</u>	<u>Rejection Reason</u>
A/NE-LK/145	Proposed Temporary Private Vehicle Park (Private Car) for a Period of 3 Years and Filling of Land	16.12.2022 (on review)	R1

Rejection Reason

- R1. The proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention, even on a temporary basis.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- no comment on the application; and
- his advisory comments are at **Appendix IV**.

2. Traffic

Comments of the Commissioner for Transport (C for T):

- no comment on the application; and
- her advisory comments are at **Appendix IV**.

Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- no comment on the application from highways maintenance point of view;
- the existing local access road connecting the application site (the Site) to Sha Tau Kok Road – Wo Hang is not under the maintenance of HyD; and
- his advisory comments are at **Appendix IV**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no objection to the application from public drainage viewpoint and no adverse comment on the land filling plan;
- the submitted drainage proposal does not provide sufficient information as required in DSD's "Technical Note to Prepare a Drainage Submission". Hence, should the application be approved, approval conditions to request the applicant to submit and implement a drainage proposal for the Site should be included to ensure that the proposed use will not cause adverse drainage impact on the adjacent areas. The drainage facilities should be properly maintained at all times during the planning approval period and rectified if they are found inadequate/ ineffective during operation;
- the Site is in an area where public sewerage connection is not available. The Environmental Protection Department should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed use; and
- her advisory comments are at **Appendix IV**.

4. Environmental

Comments of the Director of Environmental Protection (DEP):

- no objection to the application;
- no environmental complaint against the Site was received in the past three years; and
- his advisory comments are at **Appendix IV**.

5. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- land filling works is building works under the control of the Buildings Ordinance (BO). Before the proposed filling of land is to be carried out on the Site, the prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed site formation in accordance with the BO; and
- his advisory comments are at **Appendix IV**.

6. Other Departments

The following government departments have no objection to/no comments on the application:

- (a) Director of Fire Services (D of FS);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (North), CEDD (PM(N), CEDD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Commissioner for Police (C for P); and
- (f) District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

- (a) failure to reinstate the application site (the Site) as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the Site comprises Old Schedule Agricultural Lot 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 proposed ingress/egress of the Site is required to pass through Government land (GL) and the adjoining private lot. No right of access via GL is granted to the Site. The applicant should make his own arrangements for acquiring access to the Site. The Government shall accept no responsibility in such arrangements; and
 - (ii) the applicant should comply with all the land filling requirements imposed by relevant Government departments. GL should not be disturbed unless with prior approval;
- (c) to note the comments of the Commissioner for Transport (C for T) that the proposed vehicular access road between Sha Tau Kok Road and the Site is not managed by the Transport Department (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities. Sufficient manoeuvring space within the Site shall be provided. No vehicle is allowed to queue back to or reverse onto/ from public road at any time during the planning approval period;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) the proposed access arrangement, swept path analysis and traffic impact should be commented by TD;
 - (ii) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Sha Tau Kok Road – Wo Hang; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the submitted drainage proposal does not provide sufficient information as required in DSD's "Technical Note to Prepare a Drainage Submission". Hence, the applicant should submit a revised drainage proposal for her review;
 - (ii) the drainage facilities should be rectified if they are found inadequate/ineffective during operation;
 - (iii) the applicant should properly maintain the implemented drainage works whether within or outside the Site at his own expense; and
 - (iv) the Site is in an area where public sewerage connection is not available. The Environmental Protection Department should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed use;

- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and to meet the statutory requirements under relevant pollution control ordinances; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD) that:
- (i) land filling works is building works under the control of the Buildings Ordinance (BO). Before the proposed filling of land is to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed site formation in accordance with the BO;
 - (ii) the applicant's attention is drawn to the following points:
 - if any existing structure is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the subject 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 at the Site under the BO;
 - before any new building works including containers/ open sheds as temporary buildings and demolition, etc.) are to be carried out at the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW under the BO. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - if the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures at the 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;
 - 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; and
 - detailed checking under the BO will be carried out at building plan submission stage.