

Similar s.16 Applications within “Comprehensive Development Area” Zone
on the Ngau Tam Mei OZP No. S/YL-NTM/12

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-NTM/354	Proposed Temporary Open Storage of Construction Material Use with Ancillary Site Office and Storage Area for a Period of 3 Years	22.12.2017 Rejected by RNTPC	1, 2 & 3
2.	A/YL-NTM/362	Temporary Open Storage of Construction Material for a Period of 3 Years	21.9.2018 Rejected by RNTPC	1, 2 & 3

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “CDA” zone, which is primarily for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) The proposed development is not in line with the Town Planning Board Guidelines No.13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the Site, there are adverse departmental comments on the traffic, drainage, environmental and landscape aspects and the applicant fails to demonstrate that the proposed development would not have any adverse traffic, drainage, environmental and landscape impacts on the surrounding areas.
- (3) The approval of the application would set an undesirable precedent for similar applications within the “CDA” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area.



Good Practice Guidelines
for open storage sites

		Internal access for fire appliances	Lot boundaries (Clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks : Smoking and naked flame activities shall not be allowed within the open storage /recycling site.



Recommended Advisory Clauses

- (a) to resolve any land issues related to the temporary use with the concerned owner(s) of the application site (the Site);
- (b) the permission is given to the development uses structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/ uses and remove such structures not covered by the permission;
- (c) to note DLO/YL, LandsD's comments 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. No permission is given for occupation of GL of about 20m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Shek Wu Wai Road through both GL and private land. His office provides no maintenance work of the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, 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. Such application will be considered by Lands Department (LandsD) acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application is approved. If such application 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 C for T's comment that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note CHE/NTW, HyD's comments that his Department is not and shall not be responsible for the maintenance of the vehicular access connecting the Site and Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;
- (f) to note CE/RD 1-1, RDO, HyD's comment that the Site falls within the administrative route protection boundary for the proposed Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL. The applicant shall be reminded of the above when planning its land use application;
- (g) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by DEP to minimize potential environmental impacts on the surrounding area;

- (h) to note DAFC's comments that there is a watercourse to the east of the Site, should the application be approved, the applicant is advised to adopt appropriate measures to avoid polluting the watercourse during operation;
- (i) to note CBS/NTW, BD's comments that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. 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. 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 the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) 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. 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;
- (j) to note CTP/UD&L, PlanD's comments on the landscape proposal that the applicant should clarify whether the proposed trees will be planted at-grade. Tree pit of 1m x 1m x 1.2m soil depth should be provided for at-grade planting. A minimum spacing of 4m should be provided for sustainable tree growth and a minimum 2m horizontal clearance should be kept between structures and tree. For trees to be planted along vehicular access within the Site, a fence/kerb/bollard at a minimum distance of 1m from the tree trunk should be provided between the tree and vehicle to guard against potential physical damages to the trees arising from vehicular movement. All hard-paved area, planting area and drainage design should be indicated on plan; and
- (k) to note D of FS's comments that in consideration of the design/nature of the proposal, 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 applicant should be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and (iii) Good practice guidelines for open storage should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.