

**Similar Applications within “Residential (Group C)” zone
on the approved Ngau Tam Mei OZP No. S/YL-NTM/12**

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-NTM/369	Temporary Shop and Services (Sales of Building Materials) (3 years)	6.7.2018 Approved by RNTPC (3 years)	(1) to (10)

Approval Conditions

- (1) No operation between 7:00p.m. and 10:00a.m. on Monday to Saturday is allowed on the site during the planning approval period.
- (2) No operation on Sundays and public holidays is allowed on the site during the planning approval period.
- (3) Only private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period.
- (4) No vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period.
- (5) The provision of boundary fencing.
- (6) The submission and provision of run-in/out proposal.
- (7) The submission and implementation of drainage proposal.
- (8) The submission and implementation of fire service installations proposal on the site.
- (9) Revocation clause.
- (10) Reinstatement clause.



Recommended Advisory Clause

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) 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 Government land (GL) of about 315m² in area (subject to verification) included in the Site. The fact that the act of occupation of GL-without Government's prior approval is not allowed. The Site is accessible from San Tam Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, 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. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor-at its sole discretion 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 payment of premium or fee, as may be imposed by the LandsD;
- (c) to note C for T's comments that the Site is connected to the public road network via a section of a local access which are not managed by Transport Department (TD). The land status of the local access road should be clarified with the 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;
- (d) to note CHE/NTW, HyD's comments that the proposed access arrangement of the Site from San Tam Road should be commented by TD. If the access

arrangement is agreed by TD, the applicant should construct a run in/out at the access point at the public road branched off from San Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD does not and will not maintain any access connecting the Site and the public road branched off from San Tam Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (e) 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 also be advised on the following that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Building Ordinance (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 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 BO. Before any new building works (including containers/ open sheds as temporary building 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 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) Regulation at the building plan submission stage.

- (g) to note the CE/MN, DSD's comments that the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground level justifying waterflow, etc.) with supporting design calculations & charts should be included. For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available on DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the Site boundary in order to ensure the unobstructed discharge from the Site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site;
- (h) to note the DFEH's comments that part of the Site falls within GL. It is presumed that the applicant would apply to LandsD for the use of GL. The feasibility study for the proposed columbarium development completed in 2014 recommended road widening of an existing road, and part of the GL covered by the application would be required for the proposed road widening. The applicant should, at his own cost, remove the temporary structures on the GL

concerned and hand back the GL to the Government for the proposed road widening works upon request from the Government. If any Food and Environmental Hygiene Department's (FEHD) facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence/permit issued by this Department is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses;

- (i) to note the CTP/UD&L's comment that based on the aerial photo of 2018, the surrounding area comprises of rural landscape setting with many tree groups, some temporary structures and car parking areas. The proposed use is considered not entirely compatible with the landscape setting in proximity. Existing trees and vegetation within the Site had been cleared and the Site was gradually hard paved with erection of temporary structures, as observed from the aerial photos of 1989-1992. According to his site visit conducted on 9.11.2018, there were temporary structures within the Site which was fenced off and hard paved. The proposed use was in operation. No vegetation was found within the Site. Though landscape impact arising from the temporary use under the application is not expected, the proposed development, if approved, would set an undesirable precedent of site modification prior to application. The cumulative impact of such approval would further degrade the existing landscape quality in the surrounding area. As such, he has some reservations on the application from the landscape planning perspective; and
- (j) the applicant is reminded to make reference to the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".