

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-NTM/234	Proposed Temporary Real Estate Office with Ancillary Car Park for a Period of 3 Years	27.3.2009 RNTPC (3 Years)	1, 2 & 3
2.	A/YL-NTM/285*	Temporary Real Estate Office and Transportation Office with Ancillary Car Park and Storage for a Period of 3 Years	8.2.2013 RNTPC (3 Years) (revoked on 8.8.2013)	2, 3, 4 & 5

\*denotes permission revoked

**Approval Conditions**

- (1) The submission and implementation of landscape and tree preservation proposal.
- (2) The submission of and implementation of drainage proposal.
- (3) The submission and provision of fire service installations proposal.
- (4) No night-time operation between 8:00 p.m. and 9:00 a.m. was allowed on the site.
- (5) The existing trees on the site should be maintained at all times.



**Similar s.16 Applications within the same “Residential-(Group D)” Zone  
on the Ngau Tam Mei OZP No. S/YL-NTM/12**

**Approved Applications**

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-NTM/290*	Proposed Temporary Real Estate Office for a Period of 3 Years	19.4.2013 RNTPC (3 Years) (revoked on 19.10.2013)	1, 2, 3 & 4

\*denotes permission revoked

**Approval Conditions**

- (1) No night-time operation between 8:00 p.m. and 9:00 a.m. was allowed on the site.
- (2) The submission and implementation of landscape proposal.
- (3) The submission of and implementation of drainage proposal.
- (4) The submission and provision of fire service installations proposal.



**Recommended Advisory Clauses**

- (a) to resolve any land issues related to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/uses which currently exist on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (c) to note DLO/YL, LandsD's comments that the Site is comprises an Old Scheduled Agricultural Lot under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The Site is accessible from Ngau Tam Mei Road through both private land only. His office does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity 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. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 LandsD.
- (d) to note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Ngau Tam Mei Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (e) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issue by DEP to minimize potential environmental impacts on the surrounding area.
- (f) to note CTP/UD&L, PlanD's comments that though some existing trees were found outside the northeastern part of the Site along Ngau Tam Mei Road, to further alleviate visual impact to the road users and the adjacent residents, tree plantings at the western side of ingress/egress of the Site are recommended. Two dead trees were found and some materials/debris was placed near the other trees. The Applicant is required to provide replacement trees and remove those material/debris from the tree protection zone. The applicant should make reference to the following information/ guideline published by the Greening, Landscape & Tree Management Section, Development Bureau for tree maintenance and new tree planting:
  - (i) 護養樹木的簡易圖解  
([https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf));
  - (ii) 減低樹木風險的樹木護養簡易圖解  
([https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/PictorialGuideForTree](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTree)

MaintenanceToReduceRisk(eng).pdf;

(iii) 在樹木與毗鄰建築物／構築物之間預留足夠的生長空間

([https://www.greening.gov.hk/filemanager/content/images/tree\\_care/Provide\\_Sufficient\\_Growing\\_Space\\_Between\\_Trees\\_and\\_Adjacent\\_Buildings\\_Structures\\_e.jpg](https://www.greening.gov.hk/filemanager/content/images/tree_care/Provide_Sufficient_Growing_Space_Between_Trees_and_Adjacent_Buildings_Structures_e.jpg))

- (g) to note DAFC's comments that there is a retained meander located to the south of the Site. Should the application be approved, the applicant should be reminded to avoid disturbing the vegetation on the embankment of the meander and adopt necessary measures to prevent polluting the meander during operation.
- (h) to note D of FS's comments that the applicant is advised to submit relevant layout plans with the proposed FSIs incorporated for his approval. In addition, the applicant should also be advised on the (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the locations of where the proposed FSI to be installed should be clearly marked on the layout plans. The Applicant is advised 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.
- (i) 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. 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.
- (j) to note C of P's comments that no parallel trading/ general merchandise operations (GMO) activities should be undertaken at the Site. Also, Ngau Tam Mei Road is restricted for any vehicle over 7 meters in length. Therefore, the carpark must not be for these vehicles.