

**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.

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

Rejected Applications Since 2008

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-NTM/325	Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities for a Period of 2 Years	22.4.2016 Rejected by RNTPC	1, 2, 3, 4
2.	A/YL-NTM/351	Proposed Temporary Open Storage of Construction Material for a Period of 3 Years	22.12.2017 Rejected by RNTPC	1, 2, 3, 4

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (2) The application does not comply with the Town Planning Board Guidelines No. 13E in that the proposed development is not compatible with the surrounding land uses with residential dwellings. There is also no previous approval for the applied uses granted at the site and there are adverse departmental comments and public objections against the application;
- (3) The applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “CDA” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

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 prior approval of the Government. The Site is accessible to Ngau Tam Mei Road through both Government land (GL) and private land. This 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 subject planning application, the lot owners will need to apply to DLO/YL, LandsD to permit the structures to be erected or regularize any irregularity on site. Such application will be considered by 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 Highways Department (HyD) is not and shall not be responsible for the maintenance of any existing vehicular access connecting the Site and any public road under HyD's maintenance. The section of Ngau Tam Mei Road near the Site is also not maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;
- (e) 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;
- (f) 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 that 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, and Good practice guidelines for open storage should be adhered to. To address the subject approval condition, applicant should submit a valid fire certificate (FS 251) to his Department for approval. 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;
- (g) to note CBS/NTW, BD's comments that before any new building works (including

containers and 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 Building Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator 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 (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;

- (h) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s 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 for management and maintenance of the reprovisioned facilities to FEHD. 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 the expenses. Proper licence/ permit issued by his 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;
- (i) to note C of P's comments that he has no objection in principle subject to there being no activities in any form, whatsoever associated with Parallel Trading/General Merchandize Operations (GMO) activities on site; and
- (j) to note CE/C, WSD's comments 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 should also 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.