

Previous s.16 Applications covering the Application Site

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-NTM/175	Proposed Temporary Logistics Use and Container Vehicle Park for a Period of 3 Years	17.12.2004 Rejected by RNTPC	1, 2, 3, 4
2.	A/YL-NTM/227	Proposed Temporary 'Sales Centre for New Private Vehicles and Lorries (include Medium Goods Vehicles and Container Tractors)' for a Period of 3 Years	5.9.2008 Rejected by RNTPC	1, 2, 3, 4, 5

Main Reasons for Rejection:

- (1) The proposed development was not in line with the planning intention of the "Residential (Group C)" zone which was intended for low-rise low density residential dwellings.
- (2) The proposed development was incompatible with the rural character of the surrounding area including agricultural land and scattered village houses.
- (3) The proposed development did not comply with the Town Planning Board Guidelines No. 13C/13D for Application for Open Storage and Port Back-up Uses in that there was no exceptional circumstances to justify approval; adverse departmental comments and local objections were received; and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse environmental and drainage impacts on the surrounding areas;
- (4) The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the surrounding area.
- (5) The site did not have any previous planning approval, no similar applications were previously approved in the "Residential (Group C)" zone.



Recommended Advisory Clauses

- (a) to note DLO/YL, LandsD's comment 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. The Site is accessible to San Tam Road through both Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site. Should planning approval be given to the subject application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Such application will be considered by the Lands Department (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;
- (b) to note C for T's comment that the is connected to the public road network via a section of a local access which is not managed by Transport Department. The applicant should clarify the land status of that local access road with the LandsD and clarify the management and maintenance responsibilities of the local access road with the relevant lands and maintenance authorities accordingly;
- (c) to note CHE/NTW, HyD's comment that the proposed access arrangement of the Site from San Tam Road should be commented by TD. If the proposed run-in is agreed by TD, the applicant should construct a run in/out at the access point at San Tam Road in accordance with the latest version of Highways Standard Drawings (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 the vehicular access connecting the Site and San Tam Road. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains;
- (d) to note DAFC's comment that there are some trees along San Tam road to the north of the Site. Should the application be approved, the applicant shall be advised to avoid damaging existing tree adjoining the Site during operation;
- (e) to note D of FS' comment 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: (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. 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 comment 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 captioned 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 CE/MN, DSD's comments that the applicant shall submit a drainage submission to demonstrate how rain water falling onto or flowing to the Site will be collected, conveyed and discharged. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and inverted levels of pipes/catchpits/outfalls and ground level justifying waterflow, etc.) with supporting design calculations according to the 'Guideline on Preparation of the Drainage Proposal' available at DSD's homepage should be included. Should additional drainage works be required, 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 for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. 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 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 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. Re-provisioning 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 re-provisioned 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; and

- (i) to note DEMS's comments that in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the current application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and /or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

