

Previous S.16 Applications

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-FTA/159	Proposed Temporary Parking of Container Tractors and Trailers for Sale with Ancillary Office for a Period of 3 Years	14.10.2016	R1 – R4
A/NE-FTA/174	Proposed Temporary Vehicle Repair Workshop for Medium Goods Vehicle, Heavy Goods Vehicle, Coach and Container Tractor for a Period of 3 Years	28.7.2017	R4 – R6

Rejection Reasons:

- R1 The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which was primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis
- R2 The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the proposed development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous planning approval granted for the site; and there were adverse departmental comments on the application
- R3 The applicant failed to demonstrate that the proposed development would not cause adverse environmental and landscape impacts on the surrounding areas

- R4 The approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area
- R5 The proposed temporary use under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the Fu Tei Au and Sha Ling area, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis
- R6 The application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous approval of open storage and port back-up uses granted for the site and no exceptional circumstance to justify sympathetic consideration of the application; there were adverse departmental comments on the application; and the applicant failed to demonstrate that the proposed development would not cause adverse traffic, environmental and landscape impacts on the surrounding areas

Detailed Comments of Chief Engineer/Mainland North, Drainage Services Department

- (a) the general requirements in the drainage proposal should include:
 - (i) surface channel with grating covers should be provided along the site boundary;
 - (ii) the details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel and catchpit shall be provided;
 - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - (iv) the details of the catchpit should be provided and cover shall be provided to the catchpit;
 - (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. Details of the catch pit with sand trap should be provided;
 - (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
 - (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD;
 - (viii) the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site is not maintained by DSD. The applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
 - (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
 - (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense;
 - (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
 - (xii) the applicant should make good all the adjacent affected areas upon the completion

of the drainage works;

- (xiii) the applicant should construct and maintain the proposed drainage works properly and rectify the system if it is found to be inadequate or ineffective during operation; and
- (xiv) clear photos should be submitted showing the current conditions of the existing drainage from the discharge point(s) to the downstream and the existing drainage around the Site.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to resolve any land issues relating to the development with other concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/North, Lands Department on the following:
 - (i) the applicant should make his own arrangement for acquiring access. The Government shall accept n responsibility in such arrangements; and
 - (ii) the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the vehicular access leading from Man Kam To Road to the Site falls on unallocated Government land which is outside Highways Department's maintenance purview. The applicant is required to sort out the maintenance responsibility of the affected unallocated Government land with the District Lands Officer/North of Lands Department;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the following:
 - (i) the Site is in an area where no public sewer connection is available
 - (ii) the general requirements in the drainage proposal should include:
 - the details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel and catchpit shall be provided;
 - the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - the details of the catchpit should be provided and cover shall be provided to the catchpit;
 - catchpits with sand trap shall be provided at the outlets of the proposed drainage system. Details of the catch pit with sand trap should be provided;
 - the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The

applicant should also ensure that the flow from the Site will not overload the existing drainage system;

- the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD;
 - the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site is not maintained by DSD. The applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
 - the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
 - the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense;
 - for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
 - the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
 - the applicant should construct and maintain the proposed drainage works properly and rectify the system if it is found to be inadequate or ineffective during operation; and
 - clear photos should be submitted showing the current conditions of the existing drainage from the discharge point(s) to the downstream and the existing drainage around the Site;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
- (i) the proposed temporary building/structure is subject to the control of Part VII of the Building (Planning) Regulations. The proposed drainage works shall comply with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Both the building works and drainage works require prior approval and consent under the Buildings Ordinance (BO); and
 - (ii) the applicant should be reminded of the followings:

- if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application;
 - before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - for UBW erected on leased land, enforcement action may be taken by 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;
 - if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - in connection with the above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 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 B(P)Rs at the building plan submission stage; and
 - detailed comments under the BO will be provided at the building plan submission stage;
- (g) to note the comments of the Director of Fire Services on the following:
- (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department 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 shall 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; and
- (i) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.