

Previous S.16 Applications

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-LYT/444	Temporary Private Vehicle Park for Coaches with Ancillary Staff Rest Room and Storage of Repair Equipment for Coaches and Miscellaneous Items for a Period of 3 Years	17.2.2012 (on review)	R1 & R2
A/NE-LYT/646	Temporary Open Storage of Recyclable Products and Ancillary Workshop for a Period of 3 Years	18.5.2018	R1, R3 to R5

Rejection Reasons:

- R1 The development was not in line with the planning intentions of the “Agriculture” and “Residential (Group C)” zones in the Lung Yeuk Tau and Kwan Tei South area which were primarily to retain and safeguard good 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; and for low-rise, low-density residential developments respectively. There was no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.
- R2 The applicant failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas.
- R3 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’ in that no previous approval had been granted at the Site and there were adverse departmental comments on the application.
- R4 There was no information in the submission to demonstrate that the development would not cause adverse landscape, traffic and environmental impacts on the surrounding areas.

R5 Set of an undesirable precedent for similar applications within the "AGR" and "R(C)" zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Recommended Advisory Clauses

- (a) 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 planning permission;
- (b) to note the following comments of the District Lands Officer/North, Lands Department:
 - (i) the existing structures on the Site were erected without approval from his office. The aforesaid structures are not acceptable under the leases concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
 - (ii) the Site is surrounded by private lots. The applicant should seek consent to use the concerned lots for access purposed from the concerned owners; and
 - (iii) if the planning application is approved, the owner(s) of the lots concerned shall apply to this 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, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office; and
- (c) to note the comments of the Commissioner for Transport that the vehicular access along Hai Wing Road is not managed by Transport Department. The applicant should seek comment from the responsible party;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (e) should the application be approved, the applicant should be reminded of his obligation to comply with all environmental protection / pollution ordinances, in particular Noise Control Ordinance. The applicant should also follow other relevant mitigation measures and requirements in Notes to Annex I of the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites", including locating noise generating activities away as far as possible from any noise sensitive receivers; and to adopt quieter equipment on Site to minimize noise nuisance to nearby residents. Besides, as the Site is outside Water Gathering Ground, if a septic tank and soakaway system (STS) would be adopted to treat and dispose of sewage on Site, the applicant is reminded to design, construct, operate and maintain the STS in accordance with ProPECC PN 5/93;
- (f) to note the following comments of the Director of Fire Services:
 - (i) having considered the design/nature of the proposal, the applicant is advised to submit the relevant layout plans incorporated with the proposed Fire Services Installations (FSIs) to his department for approval. In preparing the submission, the applicant is advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of the proposed FSIs to be

installed and the access for emergency vehicles should be clearly indicated on the layout plans; and

- (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal; and
- (g) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department:
- (i) if the existing structures are erected on leased land without approval of the Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BA 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 application site under the BO;
 - (iv) 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;
 - (v) any temporary shelters or converted containers for office or storage or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations;
 - (vi) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
 - (vii) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage; and
 - (viii) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage; and

- (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 the 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.