

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>Approval Conditions</u>
1.	A/YL-NTM/147	Temporary Open Storage of Construction Materials for a Period of 3 Years	25.7.2003 Rejected by RNTPC	1, 2, 3 & 4
2.	A/YL-NTM/223	Proposed Comprehensive Low Density Residential Development	19.6.2009 Rejected by RNTPC	5, 6, 7 & 8

Rejection Reasons

- (1) The proposed open storage of construction materials was not in line with the planning intention of the "Comprehensive Development Area" ("CDA") zone which was intended to be developed as a local centre for the Ngau Tam Mei area to consolidate, improve and expand the existing commercial and community facilities as well as infrastructure, and to provide housing opportunities for the local people. No strong justification had been provided in the submission for a departure from the planning intention of the "CDA" zone.
- (2) The proposed open storage of construction materials was not compatible with the rural character of the area and the adjacent uses, including village settlements, cultivated agricultural land and continuous ponds.
- (3) There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.
- (4) Approval of the application would set an undesirable precedent for similar applications in the surrounding area. The cumulative effect of approving these similar applications would result in a serious degradation of the rural environment.
- (5) There was no strong planning justification for the increase in plot ratio from 0.4 to 0.4665.
- (6) The impact assessments submitted by the applicant were applicable to part of the "Comprehensive Development Area" ("CDA") zone only and could not demonstrate that the planning intention of the "CDA" zone (i.e. that it should be comprehensively developed in whole) and its development parameters as stipulated on the Outline Zoning Plan were achievable without causing any adverse impacts on the surrounding areas.
- (7) The site was close to Tam Mei Barracks Sewage Treatment Works. There was a high potential of odour nuisance if air sensitive uses, such as residential development, were allowed to be located close to the sewage treatment works. The submitted impact assessments could not demonstrate that there would not be odour nuisance in the long run.
- (8) Many periphery tree planting along the northern and southern site boundaries were within private gardens of individual house lots and five significant trees were proposed to be managed and maintained by individual house owners. The submitted technical assessments could not demonstrate that the tree planting of the proposed development would be under proper management and maintenance.

**Similar s.16 Applications within “Comprehensive Development Area” Zones
on the Ngau Tam Mei OZP No. S/YL-NTM/12**

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration</u>	<u>Main Reasons</u>
			<u>(RNTPC/TPB)</u>	<u>for Rejection</u>
1.	A/YL-NTM/320	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/329	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
3.	A/YL-NTM/354	Proposed Temporary Open Storage of Construction Materials with Ancillary Site Office and Storage Area for a period of 3 years	22.12.2017 Rejected by RNTPC	1, 2 & 4

Rejection Reasons

- (1) 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) Not in line 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.
- (4) 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) ~~prior planning permission should have been obtained before commencing the development on the application site (the Site);~~ *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;*
- (b) to resolve any land issues related to the development with the concerned owner(s) of the Site;
- (c) to note DLO/YL, LandsD's comments that the STW holder will need to apply to LandsD for modification of the STW conditions where appropriate. 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 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 C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note CHE/NTW, HyD's comments that HyD does not and will not maintain any access (including the Ngau Tam Mei Road between Lot 4785 and the Site) connecting the Site and Ngau Tam Mei Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains;
- (f) to note DEP's comments that the applicant shall follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP. If there is drainage of industrial wastewater, the applicant should provide adequate information to demonstrate that the treatment facility can properly treat the type of effluent. The applicant is also advised to properly design drainage to avoid both point-source (e.g. sewage) and non-point source water pollution (e.g. surface run-off) in accordance with the Hong Kong Planning Standards and Guidelines. Surface run-off shall be connected with petrol interceptors and silt removal facilities;
- (g) to note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;

(ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and

(iii) “Good Practice Guidelines for Open Storage Sites” should be adhered to.

Having considered the nature of the open storage, fire extinguisher(s) shall be provided. The applicant is advised to submit a valid fire certificate (FS 251) to D of FS 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; and

- (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. The project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper license and/or permit issued by FEHD 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 its subsidiary legislation and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.