

Similar s.16 Applications within the “Green Belt” Zone since 2008
on the Ngau Tam Mei OZP

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-NTM/243	Renewal of Planning Approval for Temporary Open Storage of Landscaping Materials Use for a Period of 3 Years	6.11.2009 Approved by RNTPC (2 Years)	(1), (2), (3), (4)
2.	A/YL-NTM/267	Renewal of Planning Approval for Temporary Open Storage of Landscaping Materials Use for a Period of 3 Years	21.10.2011 Approved by RNTPC (3 Years)	(1), (2), (3), (4), (5), (6), (7), (8)
3.	A/YL-NTM/309	Renewal of Planning Approval for Temporary Open Storage of Landscaping Materials for a Period of 3 Years	31.10.2014 Approved by RNTPC (3 Years)	(4), (5), (7), (8), (5), (6), (7), (8), (9)

Approval Conditions

- (1) The existing landscape planting/vegetation/trees on the site should be maintained at all times.
- (2) The existing drainage facilities on the site should be maintained at all times.
- (3) No vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance was allowed to enter, park or operate at the site at any time.
- (4) The submission of a condition record of the existing drainage facilities on site.
- (5) No night-time operation between 6:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site.
- (6) The submission of the as-built drainage plan on site.
- (7) The submission of an as-built planting plan on site.
- (8) The submission and implementation of a fire service installations proposal / the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
- (9) No operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the site.

Rejected s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1.	A/YL-NTM/295	Temporary Storage of Agricultural Tools, Open Storage of Agricultural Machinery, Ancillary Office and Machinery Repairing for a Period of 3 Years	3.1.2014 Rejected by RNTPC	(1), (2), (3), (4)
2.	A/YL-NTM/314	Temporary Open Storage of Construction Materials and Construction Machinery with Loading/unloading Area for Lorry and Container Vehicle for a Period of 2 Years	6.2.2015 Rejected by RNTPC	(1), (3), (4)

Rejection Reasons

- (1) The proposed development was not in line with the planning intention of the "Green Belt" zone and there was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) The proposed development was not compatible with the rural setting of the surrounding area / surrounding areas which were predominantly rural in character.
- (3) The approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving similar applications would result in a general degradation of the environment of the area.
- (4) The development was not in line with the Town Planning Board Guidelines No. 13E for Application for Temporary Open Storage and Port Back-up Uses in that there was no exceptional circumstance to justify the development / no previous approval for open storage use had been granted for the site / there were adverse departmental comments on the environmental and traffic safety aspects / objection from the local residents.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
 - (i) his office provides no maintenance work for the GL involved and does not guarantee any right-of-way;
 - (ii) the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, 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 the 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.
- (c) to note the comments of the Commissioner for Transport (C for T) as follows:
 - (i) the applicant should arrange by themselves the vehicular access to the site, and should seek the relevant land owner(s) on the right of using the vehicular access; and
 - (ii) the applicant should indicate the clear width of the vehicular access and demonstrate sufficient space for manoeuvring of vehicles within the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area;
- (f) to note the comments of the Director of Fire Services (D of FS) as follows:
 - (i) in consideration of the design/nature of the proposal, fire service installations (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;

- (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (iii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
 - (iv) Good Practice Guidelines for Open Storage Sites should be adhered to; and
 - (v) 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 the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing 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;
 - (iii) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iv) 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; and
 - (v) the Site does not abut on a specified street of not less than 4.5m wide and 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 the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
- (i) the drainage submission should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls, and ground levels justifying water flow etc.) with supporting design calculations and charts should be included;

- (ii) After completion of the required 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 photograph;
- (iii) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
- (iv) No public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
- (v) The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot 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; and
- (vi) The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

