

**Rejected Application**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Main Reasons for Rejection</u></b>
1.	A/YL-NTM/175	Temporary Logistics Use and Container Vehicle Park for a Period of 3 Years	17.12.2004 Rejected by RNTPC	(1) to (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) to (4)

**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;
- (3) The proposed development did not comply with the Town Planning Board Guidelines No. 13C/D 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 there was no information in the submission to demonstrate that the proposed development would not have adverse environmental, drainage and traffic impacts on the surrounding area; and
- (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.



**Similar Applications within “Residential (Group C)” zone  
on the approved Ngau Tam Mei OZP No. S/YL-NTM/12**

**Approved s.16 Applications**

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-NTM/369	Temporary Shop and Services (Sales of Building Materials) (3 years)	6.7.2018 Approved by RNTPC (3 years)	(1) to (10)
2.	A/YL-NTM/375	Proposed Temporary Shop and Services (Metalware Shop) for a Period of 3 Years	7.12.2018 Approved by RNTPC (3 years)	(1), (3), (4) (5), (7), (8), (9) and (11)

**Approval Conditions**

- (1) No operation between 4:00p.m. and 10:00pm / 7:00p.m. and 10:00a.m. is allowed on the site during the planning approval period.
- (2) No operation on Sundays and public holidays is allowed on the site during the planning approval period.
- (3) Only private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period.
- (4) No vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period.
- (5) The provision of boundary fencing.
- (6) The submission and provision of run-in/out proposal.
- (7) The submission and implementation of drainage proposal.
- (8) The submission and implementation of fire service installations proposal on the site.
- (9) Revocation clause.
- (10) Reinstatement clause.
- (11) The submission and implementation of landscape proposal.



**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the permission is given to the development/use under the application. It does not condone any other development/use which are not covered by the application;
- (c) to note DLO/YL, LandsD's comments 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 from San Tam Road through both private land and GL. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot holders will need to apply to LandsD to permit the structures to be erected or regularize any irregularities on site, if any. 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 TD. The land status of the local access road and private lot(s) 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 if the access arrangement 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 Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The detail design of the run-in/out should be submitted to HyD for agreement before commencement of any works. HyD does not and will not maintain any access connecting the Site and San Tam Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issue by DEP to minimize potential environmental impacts on the surrounding area;
- (g) to note CE/MN, DSD's comments that he notes that the Site was under previous planning application No. A/YL-NTM/227 rejected by the Board on 5.9.2008. Under the current application, the applicant shall submit a drainage submission to demonstrate how he 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 waterflow

etc.) with supporting design calculations and charts should be included. (For preparation of the drainage proposal, Guideline on preparation of the drainage proposal is available in [http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf)). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. 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 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. The applicant should ensure and keep all drainage facilities on site under proper maintenance at all times. The applicant is requested to submit a drainage proposal to his satisfaction. After having obtained the respective approval, the applicant would carry out the works accordingly. Upon completing the works, the applicant should then arrange a joint site inspection with his department to ensure that the works have been completed as per the approved proposal;

- (h) to note CBS/NTW, BD's comments that before any new building works (including containers and 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 UBW under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 works or UBW on the Site under 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) Regulation (B(P)R) 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)R at the building plan submission stage;
- (i) 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 his Department for approval. The applicant should also be advised that (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. 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;
- (j) to note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not 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.