

Previous S.16 Applications

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejected Reasons
A/DPA/NE-FTA/24	Container Trailer/Tractor Park and Ancillary Repairing Yard	15.10.1993	R1 - R8
A/NE-FTA/145	Temporary Lorries, Container Tractors and Trailers Park for a Period of 3 Years	22.8.2014	R9 - R11

Rejected Reasons:

- R1 The proposed development was not in line with the planning intention for the area which was to encourage the reconstruction of structures with permanent materials in-situ with a view to improving the current situation and local environment.
- R2 The proposed development was incompatible with the uses in the surrounding areas which were predominantly rural and residential in nature.
- R3 The proposed development would cause severe noise impact on the nearby villagers and no noise mitigation measures had been proposed in the submission.
- R4 The proposed development would aggravate the traffic congestion along Man Kam To Road and may result in serious traffic management problems.
- R5 The proposed vehicular access to the application site was not satisfactory.
- R6 No drainage facilities had been proposed in the submission.
- R7 No landscaping proposals had been included in the submission.
- R8 The approval of the application would set an undesirable precedent.
- R9 The application 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 intentions, even on a temporary basis.

- R10 The application did not comply with the Town Planning Board Guideline No. 13E for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there were adverse departmental comments on the application; and the applicant failed to demonstrate that the development would have no adverse environmental, traffic and landscape impacts on the surrounding area.
- R11 Approval of the application would set an undesirable precedent for similar applications within the same "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Recommended Advisory Clauses

- (a) to note the following comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (i) the Site comprises private lots which are Old Schedule agricultural lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
 - (ii) the existing structures on the Site were erected without approval from this office and are not acceptable under the Lease concerned. This office reserves the right to take necessary lease enforcement actions; 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 they will be approved. If the STW is approved, its commencement date would 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 and administrative fee as considered appropriate by this office;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the section of Man Kam To Road adjacent to the Site is under HyD's maintenance purview. However, the area forming the ingress/egress between Man Kam To Road and the Site falls on unallocated Government land which is outside HyD's maintenance purview. The applicant is required to sort out the maintenance responsibility of the affected unallocated Government land with Lands Department;
- (c) to note that comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites", including but not limited to the environmental measures regarding air quality, noise and water quality;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the Site is in an area where no public sewerage connection is available;
- (e) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (i) if the existing structures are erected on leased land without approval of BD, they are unauthorised under Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) 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

Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with building safety and other relevant requirements as maybe be imposed by the licensing authority;
 - (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)Rs) respectively; and
 - (v) if the Site does not abut a specified street of not less than 4.5 m wide, its development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
- (f) to note the following comments of the Director of Fire Services (D of FS):
- (i) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
 - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;