

Previous S.16 Application

Rejected Application

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-MKT/2	Temporary Container Trailer Park with Ancillary Storage and Office for a Period of 3 Years	7.4.2017	R1,R2 & R3

Rejection Reasons:

- R1 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, and 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.
- R2 The applicant failed to demonstrate in the submission that the development would not cause adverse traffic, environmental and landscape impacts on the surrounding areas.
- R3 The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone in the Man Kam To area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Similar S.16 Applications for Proposed Temporary Open Storage
within/partly within “Agriculture” zone in the vicinity of the Site
in the Man Kam To Area**

Rejected Application

Application No.	Uses / Developments	Date of Consideration	Rejection Reasons
A/DPA/NE-MKT/1	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	18.10.2013 (on review)	R1 – R3

Rejection Reasons:

- R1 The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality 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 to merit a departure from such planning intention, even on a temporary basis.
- R2 The development was incompatible to the surrounding environment which was dominated by rural landscape character with farmlands, pig farm and vegetated hillslopes.
- R3 Approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Detailed Comments of Chief Engineer/Mainland North, Drainage Services Department

- (a) the general requirements in the drainage proposal should include:
- (i) surface channel with grating covers should be provided along the site boundary;
 - (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
 - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
 - (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap shall be provided;
 - (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
 - (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
 - (viii) for those existing drainage facilities to which the applicant proposed to discharge the storm water from the Site is not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
 - (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
 - (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his own expense;
 - (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;

- (xii) the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works;
- (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
- (xv) photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that the applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement.
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewer connection is available and the general requirements in the drainage proposal are appended in **Appendix IV**;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as following:
 - (i) before any new building works 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 buildings works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) any temporary shelters or converted containers for storage/washroom/first-aid room/site office to be erected are considered as temporary buildings which are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII.
 - (iii) 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 B(P)Rs respectively;
 - (iv) if the Site is not abutting 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)Rs at the building plan submission stage; and
 - (v) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at building plan submission stage;
- (d) to note the comments of the Director of Fire Services as follows:
 - (i) to address the condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
 - (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, fire service installations (FSIs) will need to be installed;
 - (iii) if no building plan will be circulated to his department via the Centralised Processing System of the Building Department, the applicant is required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant is advised on the following points:

- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iv) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans; and
- (e) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.