

**Previous S.16 Application**

**Rejected Application**

| <b>Application No.</b> | <b>Uses/ Development</b>   | <b>Date of Consideration</b> | <b>Rejection Reasons</b> |
|------------------------|--|------------------------------|--------------------------|
| A/NE-TKL/624           | Proposed Temporary Open Storage of Construction Material for a Period of 3 Years | 20.9.2019                    | R1 - R3                  |

**Rejection Reason**

- R1        The proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality 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 intention, even on a temporary basis.
- R2        The application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that there was no previous planning approval for open storage use granted at the site; there were adverse comments from the relevant government departments and local objections against the application.
- R3        The applicant failed to demonstrate that the development would have no adverse traffic, environmental and drainage impacts on the surrounding areas.

**Recommended Advisory Clauses**

- (a) to note the following comments of District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (i) the Site comprises private lots. The lots are Old Schedule lot held under the Block Government Lease (demised for agriculture use) without any guaranteed right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
  - (ii) only part of Lot No. 1831 S.B RP in D.D. 76 (the Lot) falls within the Site. The other part of the Lot, which is situated on the opposite side of the Site (separated by Sha Tau Kok Road), has not been included in the Site, and is overgrown with weeds at the time of site inspection; and
  - (iii) should the application be approved, the owners of the lot concerned shall apply to his office for Short Term Waiver (STW) to cover all actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW application is approved, the 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/ rent and administrative fees as considered appropriate by his office;
- (b) to note the following comments of Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) the section of Sha Tau Kok Road – Ma Mei Ha adjacent to the Site is under his maintenance purview. However, the proposed ingress/egress to the Site will pass through a strip of land between the footpath of Sha Tau Kok Road - Ma Mei Ha Section and the Site, which is an unallocated government land (UGL). The applicant is required to sort out the land issues with relevant land authority;
  - (ii) adequate drainage measures should be provided to prevent surface water running from the Site onto the nearby public road; and
  - (iii) upon termination of the application, the applicant is required to reinstate the ingress and egress to their original state to his satisfaction at its own cost;
- (c) to note the following comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
  - (ii) the applicant should show the existing discharge location to which the applicant proposed to discharge the stormwater from the Site for his information;

- (iii) the applicant should check and demonstrate that the existing drainage channel downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the proposed development. The applicant should also demonstrate that the flow from the Site will not overload the existing drainage system;
  - (iv) the applicant should ensure and show in his submission that all existing flow paths as well as the urn-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 drain, channels and watercourses on or in the vicinity of the Site any time during or after the works. Catchment areas, the flow direction, formation level and the existing ground level of the adjacent lands should also be provided for his reference;
  - (v) the applicant is required to provide sectional views of the proposed development showing clearly any walls would be erected or kerbs would be laid along the boundary of the house, the proposed and existing drainage facilities, flow direction, the existing ground level of the adjacent lands and the formation level of the Site for his consideration;
  - (vi) the applicant is required to provide photos showing the conditions of the Site and the adjoining areas, the existing drainage facilities and the proposed final discharge point for his information. A plan should be submitted to indicate the locations of the camera and directions of all photo taken; and
  - (vii) there is public sewerage in the vicinity;
- (d) to note the following comments of Chief Building Surveyor/ New Territories West, Buildings Department (CBS/NTW, BD):
- (i) before any new building works / proposed site formation works to be carried out on the Site, prior approval and consent of Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Building 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) for UBW erected on leased land, enforcement action may be taken by 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 building works or UBW on the Site under the BO;
  - (iii) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
  - (iv) the Site shall be provided with means of obtaining access thereto from a street under B(P)Rs Regulation 5 and emergency vehicular shall be provided under the B(P)Rs Regulation 41D;

- (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
  - (vi) 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;
- (e) to note the following comments of Director of Fire Services (D of FS):
- (i) 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
  - (ii) 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
- (f) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site' issued by the Director of Environmental Protection (DEP) in order to minimize any possible environmental nuisances.