

**Similar Application for Temporary Storage Use
within the “Recreation” Zone to the Further East of the Application Site
on the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16**

Rejected Application

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-KTS/82	Temporary Storage of Grocery Goods for a Period of 12 Months	13.11.1998	R1 to R4

Reasons for Rejection

- R1 The subject site falls within an area zoned “Recreation” (“REC”) which is to designate areas for developments restricted to recreational uses and to encourage the development of active recreation and tourism. There is no strong justification in the submission for a departure from the planning intention even on a temporary basis.
- R2 The access track leading to the site is substandard and there is insufficient information in the submission to demonstrate that the use under application would not have adverse traffic impact.
- R3 There is no information in the submission to demonstrate that the fire safety requirements would be met.
- R4 Approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving similar applications would lead to a general degradation of the environment in the area.

Advisory Clauses

- (a) the permission is given to the development under application. It does not condone any other development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development not covered by the permission.
- (b) to note the comments of the District Lands Officer/North, Lands Department as follows:
- (i) the lot is a New Grant Lot without any guarantee of right of access. The lot and adjoining Lot 2219 both in D.D. 92 are covered by Short Term Waiver (STW) No. 918 for the purpose of rattan and furniture factory with a total permitted roofed-over area not exceeding 3,355.9m²; and the maximum height and the number of storey of any structure not exceeding 6.1 metres and one storey respectively;
 - (ii) the applicant should make its own arrangement for acquiring access to the lot. The Government shall accept no responsibility in such arrangement and there is no guarantee that any adjoining Government land will be allowed for vehicular access to the lot for the proposed use;
 - (iii) the lot is also covered by Letter of Approval (LoA) No. L6276 for erection of temporary structures for the purpose of chicken sheds. Given the existing parameters of the temporary structures do not tally with the approved one under the aforesaid LoA, his office reserves the rights to take enforcement action and cancel the LoA if situation warrants;
 - (iv) the application site does not tally with the lot boundary nor the occupation boundary. Besides, a portion of adjoining Government land at the southwest corner of and outside the Site was occupied without approval and erected with some unauthorized structures. The said unauthorized structures on Government land are not acceptable and the applicant should demolish them and clear the Site up to satisfaction of this office. His office reserves the right to take enforcement actions against the unauthorized structures and illegal occupation of Government land; and
 - (v) if the application is approved, the owner of the lot and adjoining Lot 2219 shall apply to his office for cancellation and re-issue of the existing STW to cover all the occupation area and structures on the lots concerned. The application for cancellation and re-issue of the existing STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If a fresh STW is approved, its commencement date will be backdated to the first date of the 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 his office.

- (c) to note the comments of the Director of Environmental Protection (DEP) as follows:
- (i) the applicant should 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” (CoP) issued by the DEP in order to minimize any possible environmental nuisances as advised by DEP;
 - (ii) the applicant should strictly observe all relevant pollution control ordinances, particularly on waste management and disposal, follow relevant measures given in his department’s latest CoP, and put in place necessary precautionary/pollution control measures to prevent any pollution to the nearby sensitive receivers as a result of the operational and construction activities; and
 - (iii) any sewage discharge from the Site should be directed to nearby public sewer.
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
- (i) before any new building works are to be carried out on the Site, prior approval and consent of the 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 Buildings Works (UBWs). An Authorized Person (AP) should be appointed as the co-ordinator 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 the BA to effect their removal in accordance with his department’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 are subject to the control of Part VII of the Building (Planning) Regulations;
 - (iv) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) 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 the Building (Planning) Regulation 19(3) 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 the BO will be provided at the building plan submission stage.

(e) to note the comments of the Director of Fire Services as follows:

(i) 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

(ii) for layout plans to be submitted to his department:

the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed fire service installations to be installed should be clearly marked on the layout plans.

(f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should provide adequate drains to prevent surface water running from the Site onto the nearby public road.