

Previous S.16 Application

Rejected Application

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-LYT/93	Temporary Open Storage of Construction Materials for a Period of 12 Months	11.10.1996 (on review)	R1 - R3

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone for the area which was to retain and safeguard good agricultural land for agricultural purposes. In this regard, there was no strong justification to merit a departure from such planning intention even on a temporary basis.
- R2 The proposed development was not compatible with the surrounding land uses which were predominantly rural and agricultural in character.
- R3 The approval of the application would set an undesirable precedent for other similar applications.

Recommended Advisory Clauses

- (a) to note the following comments of the District Land Officer/North, Lands Department:
 - (i) the Site comprises a private lot which is an Old Schedule Lot held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his 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 his office. The aforesaid structures are not acceptable under the lease concerned and this office reserves the right to take necessary lease enforcement actions against the aforesaid structures; and
 - (iii) if the application is approved, the owner of the lot concerned shall apply to his 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 it will be approved. If the STW is approved, its commencement date would 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;
- (b) to note the comments of CE/MN, DSD that the Site is within an area where connection to existing public sewerage network is available in the vicinity. Should the applicant choose to connect the proposed drainage system to DSD's networks, a connection proposal should be submitted to DSD's agreement. After obtaining agreement, the applicant should follow the established procedures and submit the proposal for approval. The sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged;
- (c) to note the comments of Commissioner for Transport that the vehicular access between the Site and Sha Tau Kok Road – Ma Mei Ha is not managed by Transport Department. The applicant should seek comment from the responsible party;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access road adjacent to the Site is not maintained by Highways Department;
- (e) to note the following comments of the Chief Building Surveyor/ New Territories West, Buildings Department:
 - (i) there is no record of approval of the Building Authority (BA) for the existing buildings/structures existing at the Site and BD is not in a position to offer comments on their suitability for the proposed use;
 - (ii) 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 building works or UBW on the Site under the BO;

- (iii) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (iv) 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 building works or UBW on the Site under the BO;
 - (v) any temporary shelters or converted containers for storage/washroom/first-aid room/site office or other use are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations (B(P)Rs);
 - (vi) the Site shall be provided with means of obtaining access thereto from a street under Regulation 5 of B(P)Rs and emergency vehicular access shall be provided under Regulation 41D of B(P)Rs ;
 - (vii) if the Site is not abutting on a specified street having a width not less than 4.5 m, 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
 - (viii) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage.
- (f) to note the following comments of the Director of Fire Services:
- (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 and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) 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 DEP in order to minimize any possible environmental nuisance.