

Previous S.16 Application

Rejected Application

Application No.	Uses/ Development	Date of Consideration	Rejection Reason
A/NE-MUP/54	Temporary Warehouse for Storage of Ceramic Tiles for a Period of 3 Years	23.8.2008 (on review)	R1

Rejection Reason

R1 The use under application was not in line with the planning intention for "AGR" zone which was intended 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. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department as follows:
- (i) the lots under application are an Old Schedule Lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make his own arrangement for acquiring access, and there is no guarantee that any adjoining Government Land (GL) will be allowed for the vehicular access of the proposed use;
 - (ii) the existing structure on the Site, if any, are not acceptable under leases concerned. His office reserves the right to take enforcement actions against the aforesaid structure;
 - (iii) the entrance to the Site is situated on Lot No. 824 S.B RP (the Lot) of which the applicant is not the owner. The applicant should seek consent to using the Lot for entrance purpose from the concerned owners;
 - (iv) it is noted that the Site includes a piece of GL. The applicant should not occupy the GL concerned without approval from his office;
 - (v) it is noted that the GL adjoining the Site is public footpath/access running continuously along Sha Tau Kok Road. To avoid any obstruction, the GL aforementioned should not be disturbed;
 - (vi) according to the proposed development, one mobile toilet would be erected on the Site. The applicant should note that any proposed toilet facilities should meet current health requirements; and
 - (vii) if the application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT are approved, their commencement date would be backdated to the first date of occupation and they 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 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 nuisances;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (d) to note the comments of Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services

within the private lots to WSD's standards;

- (e) to note the comments of the Chief Building Surveyor/ New Territories West, Buildings Department as follows:
 - (i) before any new building works (including containers 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 coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) the proposed drainage works on the Site shall comply with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, prior approval and consent of the BA should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System;
 - (iii) 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;
 - (iv) any temporary shelters for shop, services or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations (B(P)R);
 - (v) the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D;
 - (vi) if the Site is not abutting on a specified street having a width not less than 4.5m wide, the development intensity shall be determined by the BA under B(P)R 19(3) at the building plan submission stage; and
 - (vii) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be given at building plan submission stage;
- (f) to note the comments of the Director of Fire Services as follows:
 - (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;
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and

- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings. For any waste generated from the activity/operation, the applicant should arrange disposal properly at his own expenses. Proper licence/permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.