

**Previous S.16 Applications**

**Rejected Applications**

| <b>Application No.</b> | <b>Proposed Developments</b>  | <b>Date of Consideration</b> | <b>Rejection Reasons</b> |
|------------------------|---|------------------------------|--------------------------|
| A/NE-TKL/70            | Open Storage of Construction Materials, Marble and the use of Five Containers as Storage Area for a Temporary Period of 12 Months | 10.7.1998<br>(on review)     | R1 - R3                  |
| A/NE-TKL/98            | Temporary Open Storage of Marbles and Ancillary Parking Area for a Period of 12 Months  | 23.4.1999<br>(on review)     | R2, R4 - R5              |
| A/NE-TKL/141           | Proposed Temporary Open Storage of Marble Slabs with Ancillary Parking and Loading/Unloading Activities for a Period of 3 Years   | 14.7.2000                    | R2, R4 - R5              |
| A/NE-TKL/566           | Proposed Temporary Workshop and Warehouse for Construction Materials for a Period of 3 Years                                      | 23.6.2017                    | R6 – R8                  |

**Rejection Reasons**

- R1 The subject open storage development was not in line with the planning intention of the “Agriculture” zoning for the area which was to retain and safeguard good agricultural land for agricultural purposes and to retain arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from such planning intention even on a temporary basis.
- R2 The 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, the cumulative effect of which would further degrade the environment of the area.
- R4 The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard agricultural land for agricultural purposes and to retain arable land with potential for rehabilitation. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- R5 The approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the surrounding environment.
- R6 The proposed temporary use under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the Ping Che and Ta Kwu Ling area, 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 justification in the submission for a departure from such planning intention, even on a temporary basis.

- R7 The applicant failed to demonstrate that the proposed development would not cause adverse traffic and environmental impacts on the surrounding areas.
- R8 The approval of the application will set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

**Recommended Advisory Clauses**

- (a) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (b) to note the comments of the District Lands Officer/North, Lands Department on the following:
  - (i) site inspection revealed that the actual occupation area includes not only the application lots, but also Lot No. 2263 S.B RP in D.D. 76, and the Government land adjoining to these lots. His office reserves the right to take necessary land control actions against the unauthorized occupation of Government land;
  - (ii) it is noted that the proposed vehicular access would be routed through Lot 2263 S.B RP in D.D. 76. The applicant has to obtain consent from the respective lot owner(s); and
  - (iii) the applicant 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;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by DEP and all pollution control ordinances, in particular the Water Pollution Control Ordinance, since the Tan Shan River is located at the north of the Site;
- (d) 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. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
  - (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority 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) temporary shelters or converted containers for storage/ washroom/ first-aid room/ site office are considered as temporary buildings, they are subject to control under the Building (Planning) Regulations (B(P)R) 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)R respectively;
  - (iv) if the Site does not abut 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)R 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 the BO will be provided at the building plan submission stage;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that Tan Shan River is located to the north of the Site, the applicant should perform good site practice so as not to pollute the river nearby.