

**Similar Application within the same “R(B)2” zone  
on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/9**

**Rejected Application**

<b><u>Application No.</u></b>	<b><u>Use/Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Rejection Reason</u></b>
A/TM-LTYYY/149	Proposed Temporary Car Park (Private Car) for a Period of 3 Years	18.5.2007	(1)

**Main Reasons for Rejection**

- (1) There was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/uses which currently exist on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (c) to note the comments of District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the Site falls within Lot 2289 RP (Part) in D.D. 124 (“the Lot”). The Lot is held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. A number of Short Term Waivers (“STWs”) were issued to permit erection of structures on the Lot. The Site mainly falls within STW No. 571, which permitted the erection of structures for storage and retail sales of sanitary ware and decoration workshop. Part of the Site is also encroaching onto the limits of STW Nos. 572 and 573 issued for “manufacture of construction materials” and “manufacture of plastic products” purposes respectively. Site inspection revealed that existing structures on the Site were used for vehicles repairing and parking. As the existing use and the boundary of the Site do not comply with the aforesaid STWs, the lot owner has been requested by LandsD to rectify the situation. Should the lot owner failed to rectify the situation, LandsD may take enforcement action as appropriate, including but not limited to cancellation of the waivers. The Site is accessible via a strip of government land leading from Castle Peak Road. LandsD does not carry out maintenance works for the said road nor guarantee that right-of-way will be given to the Site. The applicant may consider liasing with the owner of the Lot to apply for issue of a fresh short term waiver to permit the use of “Temporary Open Parking of Vehicles with Ancillary Office” purposes. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion and details will be further examined when received. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee, etc. Notwithstanding the above, LandsD reserves the right to take enforcement actions as consider appropriate against any unauthorized erection/extension/alteration of the structures concerned irrespective of whether planning permission will be given or not;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, BD is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be

appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 Building (Planning) Regulations respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and road drains. There is a strip of unallocated government land between the Site and Castle Peak Road – Hung Shui Kiu, which is not and will not be maintained by HyD;
- (f) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”; and
- (g) to note the comments of the Director of Fire Services (D of FS) that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. 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.