

**Similar applications within the same “OU (ETP)” zone  
on the approved Hung Shui Kiu and Ha Tsuen OZP  
since the promulgation of TPB PG-No. 13E on 17.10.2008**

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Zoning and OZP at the time of consideration</u></b>	<b><u>Applied Use/ Development</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Reasons of Rejection</u></b>
1.	A/YL-HT/217	R(D) on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Warehouse for Storage of Miscellaneous Items (3 Years)	19.10.2001	1, 2, 3, 4

**Reasons for Rejection:**

1. The development is not in line with the planning intention of the "Residential (Group D)" ("R(D)") zone which is to provide incentives for improving and upgrading the existing domestic accommodations within this zone. No strong justification has been given in the submission for a departure from such planning intention, even on a temporary basis.
2. The development is not compatible with the surrounding land uses with residential developments and domestic structures to its east and south-east.
3. There is insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.
4. The approval of the application would set an undesirable precedent for similar applications within the "R(D)" zone. The cumulative impact of approving such similar applications would result in a general degradation of the environment of the area.

**Advisory clauses**

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The Site is accessible from Kong Sham Western Highway through Government land (GL) and private lot(s). His office does not guarantee any right-of-way to the Site. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public road. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Kong Sham Western Highway.
- (g) 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' issued by the Environmental Protection Department;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the Site. 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, demolition and land filling) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator 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) Regulation (B(P)R) 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 (B(P)R) at the building plan submission stage;

- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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 and good practice guidelines for open storage should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to adopt appropriate measures to avoid causing disturbance or pollution to the pond to the southeast of the Site, and to ensure that trees on the adjacent government land will not be affected; and
- (k) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA, formerly known as HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The concerned lot(s) falls within a site under Stage 2 Works in the latest programme of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.