

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTN/653	Temporary Car Park For Villagers (Excluding Container Vehicles for a Period of 1 Year	14.2.2014 (on review)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14)
2.	A/YL-PH/703	Temporary Car Park for Villagers (Excluding Container Vehicles for a Period of 2 Year	31.10.2014	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13)
3.	A/YL-PH/737	Renewal of Planning Approval for Temporary Car Park for Villagers (Excluding Container Vehicles for a Period of 2 Year	14.10.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13)
4.	A/YL-PH/792	Renewal of Planning Approval for Temporary Car Park for Villagers (Excluding Container Vehicles for a Period of 2 Year	5.10.2018	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13)

Approval Conditions

- (1) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site.
- (2) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site.
- (3) the implementation of the car park layout plan.
- (4) Vehicular access arrangement should be maintained.
- (5) Submission/ implementation/ maintenance of landscaping proposal/ all trees and vegetation within the Site.
- (6) Submission and/or implementation of a drainage proposal or submission of drainage record and maintain drainage facilities.
- (7) Submission and/or implementation of fire services installation proposal.
- (8) Reinstatement of the Site to an amenity area.
- (9) Revocation of planning approval for non-compliance with conditions by a specified date

- or during the planning approval period.
- (10) Restriction of parking spaces to 15 car parking spaces.
 - (11) Notices should be posted at prominent location of the Site to indicate the rules of operation and no medium or heavy goods vehicles allowed at the Site.
 - (12) No reversing of vehicles into or out from the Site is allowed.
 - (13) Provision/maintenance of mitigation measures to minimize possible nuisance of noise and artificial lighting on-site.
 - (14) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
5.	A/YL-KTN/642	Public Vehicle Park (Private Cars and Light Goods Vehicles)	20.7.2012	(1), (2)

Rejection Reasons

- (1) the development was not in line with the planning intention of the "Village Type Development" zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention; and
- (2) the site was located within a village cluster. The applicants failed to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings.

**Similar Applications within the same “V” Zone on
the Pat Heung Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-PH/84	Proposed Public Car/Lorry Park	14.3.1997 (for 3 years)	(1), (4), (5), (6), (8), (9)
2.	A/YL-PH/181*	Proposed Public Car Park	20.11.1998 on review (for 3 years)	(1), (2), (5), (6), (7)
3.	A/YL-PH/291	Proposed Public Car/Lorry Park	27.8.1999 (for 3 years)	(1), (2), (3), (4), (5), (6), (7)

*straddle the same “V” zone and adjoining “R(D)” zone

Approval Conditions

- (1) No vehicles without valid licences issued under the Traffic Regulations would be allowed to be parked/stored.
- (2) No lorries/ container vehicles would be allowed to be parked/stored.
- (3) Submission of car parking layout.
- (4) Provision of vehicular access arrangement.
- (5) Submission and implementation of landscaping proposals.
- (6) Provision of drainage facilities/ submission and implementation of drainage proposal.
- (7) Reinstatement of the application site to an amenity area.
- (8) Paving of the application site.
- (9) Permission shall cease to have effect on a specified date unless prior to the specified date either the development hereby permitted is commenced or the permission is renewed.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-PH/18	Open Carpark	13.8.1993	(1), (2)
2.	A/YL-PH/569	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 1 Year	10.1.2008	(3), (4), (5)

Rejection Reasons

- (1) The proposed development is not in line with the planning intention for the area which is to reserve sufficient land for small house development by villagers and there is no justification for the provision of the proposed open carpark.
- (2) The proposed vehicular access road may adversely affect the main water pipeline and no protective measures to protect the pipeline have been proposed in the submission.
- (3) There was no previous planning approval granted for the site and there were adverse public and departmental comments on the potential adverse impacts of the proposed development.
- (4) There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic, drainage, and landscape impacts on the surrounding areas.
- (5) The proposed development was not in line with the planning intention of the "Village Type Development" zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots 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. No permission is given for occupation of GL (about 110m² subject to verification) included in the Site. The applicant's attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site, if any. Furthermore, the applicant has to either exclude the GL from the Site or obtain a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as 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 rent or fee, as may be imposed by the LandsD;
- (b) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note CHE/NTW, HyD's comments that his department shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP; and
- (e) note CE/C, WSD's comments that existing water mains will be affected as shown on the **Plan A-2 of the RNTPC Paper**. A waterworks reserve within 1.5 metres from the center line of the water main shall be provided to WSD. No structure shall be built and no materials shall be stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.