

Previous s.16 Applications covering the Application Site

Approved Application

No.	Application No.	Proposed Development	Date of Consideration by RNTPC	Approval conditions
1.	A/YL-PH/297	Proposed Temporary Open Storage of New Private Cars and Vehicle Parts for a Period of 3 Years	10.9.1999 [revoked on 10.6.2000]	(1), (2), (3), (4), (5), (6), (7), (8)

Approval conditions

- (1) Submission and implementation of landscaping proposal, including a tree preservation scheme
- (2) Provision of drainage facilities
- (3) No private vehicles with valid licenses under the Traffic Regulations allowed
- (4) No container vehicles or lorries allowed
- (5) No vehicle repairing, fuelling and dismantling allowed
- (6) No delivery operation between 11 p.m. and 7 a.m.
- (7) Revocation of planning permission if any conditions are not complied with by a specified date
- (8) Reinstatement of the site to an amenity area upon expiry of planning permission

Rejected Applications

No.	Application No.	Proposed Development	Date of Consideration by RNTPC / TPB	Rejection reasons
1.	A/YL-PH/240	Temporary Open Storage of Construction materials (iron frames) for a Period of 12 Months	13.11.1998	(1), (2), (3), (4), (5)
2.	A/YL-PH/403	Proposed Temporary Open Storage of Excavators and Loaders for a Period of 3 Years	12.7.2002	(1), (6), (7)
3.	A/YL-PH/491	Temporary Open Storage of Excavators and Loaders for a Period of 2 Years	10.6.2005 16.9.2005 [on review]	(4), (6), (7)
4.	A/YL-PH/515	Temporary Open Storage of Excavators and Bulldozers for Sale for a Period of 2 Years	7.4.2006 25.8.2006 [on review]	(1), (4), (6), (7)

Rejection reasons

- (1) The proposed development was not in line with the planning intention of the “R(D)” zone. No strong justification has been given in the submission for departure from such planning intention, even on a temporary basis
- (2) The proposed development is not compatible with the nearby village houses
- (3) There is insufficient information in the submission to demonstrate that a proper vehicular access road could be provided to connect the site with Fan Kam Road
- (4) There is no / insufficient information in the submission to demonstrate the development would not have adverse drainage impact on the surrounding areas
- (5) Approval of the application would set an undesirable precedent for other similar applications and the cumulative impact of approving such similar applications would result in a general degradation of the environment of the area
- (6) The proposed development does not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that it is not compatible with the residential dwellings / structures in the vicinity / with the active / fallow agricultural land in the vicinity
- (7) There is insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental impact on the surrounding areas

**Similar Applications within the same “R(D)” zone
on the Pat Heung OZP**

Approved Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC/TPB	Approval Conditions
1	A/YL-PH/150	Temporary Public Car Park for a Period of 12 Months	5.12.1997	(1), (2), (3), (4), (5), (6)
2	A/YL-PH/385	Proposed Public Car Park	21.12.2001 (for a period of 3 years) [revoked on 21.6.2002]	(2), (4), (5), (6), (7), (8)
3	A/YL-PH/413	Proposed Public Car Park	25.10.2002 (for a period of 3 years) [revoked on 10.12.2002]	(2), (4), (5), (6), (8)
4	A/YL-PH/501	Proposed Temporary Public Car Park for a Period of 3 Years	29.7.2005	(1), (2), (4), (5), (6), (8), (9), (10)
5	A/YL-PH/604	Temporary Public Car Park for a Period of 3 Years	29.1.2010	(1), (2), (4), (5), (6), (8), (10), (11), (12)
6	A/YL-PH/661	Temporary Public Car Park for a Period of 3 Years	15.3.2013 [revoked on 15.9.2013]	(1), (2), (4), (5), (6), (8), (10), (12), (13), (14), (15)
7	A/YL-PH/702	Proposed Temporary Public Car Park for a Period of 3 Years	31.10.2014	(1), (2), (4), (5), (6), (8), (10), (12), (13), (15)

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC/TPB	Approval Conditions
8	A/YL-PH/725	Proposed Temporary Public Car Park for a Period of 3 Years	5.2.2016 [revoked on 5.5.2016]	(1), (2), (4), (5), (8), (12), (14), (16), (17)
9	A/YL-PH/745	Proposed Temporary Public Car Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	28.7.2017 [revoked on 28.8.2019]	(1), (2), (4), (5), (6), (8), (12), (13), (14), (17)

Approval Conditions

- (1) No vehicles without valid licenses (issued under the Road Traffic Ordinance / Traffic Regulations / Road Traffic Regulations) are allowed
- (2) No lorries / tractors / container vehicles / trailers / medium or heavy vehicles (exceeding 5.5 tonnes) are allowed
- (3) Design and provision of vehicular access
- (4) Submission / implementation of landscaping proposals / tree preservation proposals / maintenance of existing landscape plantings
- (5) Submission / provision of drainage facilities / implementation of drainage proposal / maintenance of drainage facilities
- (6) Reinstatement of the site to amenity area upon expiry of the planning permission
- (7) Submission / implementation of environmental mitigation measures
- (8) Revocation of the planning permission if any planning conditions are not complied with any time during the planning approval period / by the specified date
- (9) No vehicle repair activities
- (10) Submission / implementation of fire service installation proposals
- (11) Restriction on operation hours
- (12) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (13) Posting of notice at a prominent location to indicate no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed
- (14) No reversing of vehicles into or out from the site / no vehicle is allowed to queue back or reverse onto / from public road at any time
- (15) Submission of records of existing drainage facilities
- (16) No operation shall commence prior to provision / implementation of natural terrain hazard mitigation measures
- (17) Provision of boundary fencing

Rejected Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC/TPB	Rejection Reasons
1	A/YL-PH/4*	Temporary Lorry / Coach Park for 12 Months	2.12.1994	(1), (2), (3), (4), (5)
2	A/YL-PH/13	Temporary Private Car and Lorry Carpark and Open Storage of Vehicle Parts for 12 Months	19.5.1995	(1), (5), (6), (7)
3	A/YL-PH/439	Temporary Private Car, Lorry & Tractor Park for a Period of 3 Years	25.7.2003 28.11.2003 [on review]	(1), (3), (6)
4	A/YL-PH/524	Temporary Lorry Park and Fixing of Lorry Company Name on Lorries for a Period of 3 Years	16.6.2006	(1), (3)
5	A/YL-PH/529	Proposed Temporary Vehicle Park for Heavy Vehicles (including Container Vehicles) for a Period of 3 Years	3.11.2006	(1), (2), (6)
6	A/YL-PH/819*	Proposed Temporary Public Vehicle Park for Medium Container Vehicles for a Period of 3 Years	1.11.2019	(1), (2), (5)

*Straddles the “R(D)” and adjacent “AGR” zone

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “R(D)” zone. No strong justifications have been submitted to justify a departure from the planning intention
- (2) The proposed development does not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-Up Uses under Section 16 of the Town Planning Ordinance” as it is not compatible with the nearby residential developments / in that the site did not have previous planning approvals / adverse

departmental comments were received / no relevant technical assessments or proposals were submitted to demonstrate the proposed development would not generate adverse environmental, drainage, traffic and landscape impacts on the surrounding areas

- (3) There is insufficient information to demonstrate that the development will not cause environmental / drainage / landscape impact on the surrounding areas
- (4) There is insufficient information on the vehicular access to the site
- (5) Approval of the application will set undesirable precedents for other applications which will lead to a general degradation of the area
- (6) The proposed development is not compatible with the nearby residential developments / agricultural activities
- (7) No detailed landscaping proposal has been included in the submission

Advisory Clauses

- (a) note DLO/YL, LandsD's comments 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 the prior approval of the Government. 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. 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 HyD is not / shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. If the proposed run-in/out is agreed by the TD, the applicant should provide the run in/out at Fan Kam Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road 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;
- (e) note CE/MN, DSD's comments that the stormwater drainage proposal required under relevant approval conditions should include how the development would not adversely affect the bank of the adjacent watercourse and its discharge capacity;
- (f) note D of FS' comments that the installation / maintenance / modification / repair work of FSI shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation / maintenance / modification / repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. 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;
- (g) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to

be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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 (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. Detailed comments under the BO will be provided at the general building plan submission stage; and

- (h) note CE/C, WSD's comments that access to the Site will make use of an existing crossing which bridges over the existing WSD's Dongjiang water main (DJ main). To guard against accidental fall of objects, including vehicles from the crossing, high containment parapets along the edges of the crossing should be erected by the applicant. The applicant should submit an assessment conducted and certified by a qualified professional showing the additional traffic loads induced by the proposed development and the additional parapets mentioned above will not adversely affect the structural integrity of the existing crossing above the DJ main. The applicant should submit an inspection record certified by a qualified professional, on an annual basis or upon request from the Director of Water Supplies, to confirm the existing crossing above the DJ main is properly maintained and is in safe condition. No structure and material is allowed to be placed or erected within the Waterworks Reserve.