

Previous s.16 Applications Covering the Site

Approved Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Approval Conditions
1	A/YL-PH/450	Temporary Car park for a Period of 3 Years	7.11.2003 (for 3 years) [Revoked on 7.8.2004]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-PH/762	Proposed Temporary Public Vehicle Park (Private Car) for a Period of 3 Years	22.12.2017 (for 3 years) [Revoked on 30.8.2018]	(2), (3), (5), (6), (7), (8), (9), (10), (11), (12), (13)

Approval Conditions

- (1) Only private cars and/or light vans were allowed to be parked on site
- (2) No vehicle without valid licences issued under the Traffic Regulations would be allowed
- (3) No vehicle repairing, dismantling and workshop activities were allowed on site;
- (4) Submission and implementation of landscape proposal(s)
- (5) Submission and implementation of drainage proposal(s)
- (6) Revocation of planning approval if condition is not complied with at any time/by specified date
- (7) Reinstatement of the application site after the expiry of the planning approval
- (8) No operation between 11:00 p.m. and 7:00 a.m
- (9) 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
- (10) A notice should be posted at a prominent location of the site to indicate that 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
- (11) No vehicle is allowed to queue back to or reverse into/from public road
- (12) Provision of the boundary fence for the site
- (13) Submission and implementation of fire service installations proposal(s)

Rejected Applications

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC/ TPB	Rejection Reasons
1	A/YL-PH/425	Temporary Open Storage of Private Cars & Vehicle Parts Prior to Sale for a Period of 3 Years	6.6.2003 (on review)	(1), (2), (3)
2	A/YL-PH/437	Temporary Open Storage of Private Cars & Vehicle Parts Prior to Sale for a Period of 3 Years	25.7.2003	(1), (2), (3)
3	A/YL-PH/476	Temporary Open Storage of Excavators Prior to Sale for a Period of 3 Years	15.10.2004	(1), (2), (3)
4	A/YL-PH/517	Temporary Sale of Second-hand Private Cars for a Period of 3 Years	7.4.2006	(1), (2), (3)

Rejection Reasons

- (1) The development was not in line with the planning intention of "V" and no strong justification had been given for a departure from planning intention, even on a temporary basis.
- (2) The development did not comply with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" in that it was not compatible with the residential dwellings in the vicinity.
- (3) There was insufficient information in the submission to demonstrate that the development would not have adverse drainage and/or environmental and/or landscape impacts on the surrounding areas

Similar Applications within the Same "V" 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/473	Proposed Temporary Carpark for a period of 3 years	27.8.2004 [Revoked on 29.10.2004]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)
2	A/YL-PH/743	Proposed Temporary Public Vehicle Park for Private Cars & Light Goods Vehicles for a Period of 3 Years	11.8.2017 [Revoked on 11.2.2018]	(1), (2), (5), (6), (7), (8), (9), (11), (12), (13)
3	A/YL-PH/747	Temporary Public Vehicle Park for Private Car for a Period of 3 Years	28.7.2017 [Revoked on 28.1.2019]	(1), (2), (3), (5), (6), (7), (8), (9), (11), (12), (13), (14)
4	A/YL-PH/759	Proposed Temporary Private Car Park for a Period of 3 Years	1.6.2018 [Revoked on 1.3.2019]	(1), (2), (5), (6), (7), (8), (9), (11), (13), (14)
5	A/YL-PH/769	Proposed Temporary Private Vehicle Park for Private Cars for a Period of 3 Years	16.3.2018	(1), (2), (5), (6), (7), (8), (9), (11), (13), (14)

Approval Conditions

- (1) No vehicle without valid licences issued under the Traffic Regulations would be allowed
- (2) No medium or heavy vehicles exceeding 5.5 tonnes, including container tractors/trailers would be allowed/ only private cars area allowed/ No lorry/container vehicle would be allowed / only private cars area allowed
- (3) Restriction on operation hours
- (4) Submission/ implementation of internal parking layout
- (5) Submission and implementation of landscaping and/or tree preservation proposals
- (6) Submission of a drainage proposals and provision of drainage facilities/ the implemented drainage facilities on the Site shall be maintained at all times
- (7) Reinstatement of the application site to an amenity area
- (8) 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
- (9) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed all times
- (10) Submission and provision of EVA arrangement
- (11) A notice should be posted at prominent location of the Site
- (12) The boundary fence along the Site shall be provided/ maintained at all times
- (13) No vehicle is allowed to queue back to or reverse onto/from public road
- (14) Submission and provision of fire service installations

**Appendix IV of RNTPC
Paper No. A/YL-PH/794C**

**Detailed Comments of the Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

Comments on the submitted landscape plan:

1. Typical section showing the relationship between the proposed trees, boundary fencing and drainage channels along the site boundary should be provided. Applicant is reminded that 1m distance clearance should be maintained between the trees and the drainage channels.
2. Manoeuvre path of vehicles should be indicated in the Landscape Plan to demonstrate suitability of the proposed locations of trees. Please be advised that tree protective measures, e.g. kerbs or bollards at a distance of 1m from the trees should be installed to protect the trees from potential damage of vehicle movement.
3. The applicant is reminded that all proposed trees should be planted at-grade, in open bottom tree pits of min. 1m(W) x 1m(L) x 1.2m (soil depth excluding drainage layer) and support with tree stakes for healthy establishment.

**Appendix V of RNTPC
Paper No. A/YL-PH/794C**

**Detailed Comments of the Chief Engineer/Mainland North, Drainage Services
Department (CE/MN, DSD)**

Comments on the submitted drainage proposal:

- (i) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given.
- (ii) Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits.
- (iii) Consideration should be given to provide grating for the surface channels.
- (iv) Sand trap or provision alike should be provided before the collected runoff is discharged to be public drainage facilities.
- (v) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (vi) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) note DLO/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 Site is accessible from Fan Kam Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The Site falls within Fung Shui Area of Fung Shui Cemented Grave. The lot owner(s) will need to apply to his office to permit the structures 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Application for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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;
- (d) 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 Transport Department. 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;
- (e) note HyD's comments that HyD does not and will not maintain the 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;
- (f) 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 DEP;
- (g) note CTP/UD&L's comments that typical section showing the relationship between the proposed trees, boundary fencing and drainage channels along the site boundary should be provided. Applicant is reminded that 1m distance clearance should be maintained between the trees and the drainage channels. Manoeuvre path of vehicles should be indicated in the Landscape Plan to demonstrate suitability of the proposed locations of trees. Please be advised that tree protective measures, e.g. kerbs or bollards at a distance of 1m from the trees should be installed to protect

the trees from potential damage of vehicle movement. The applicant is reminded that all proposed trees should be planted at-grade, in open bottom tree pits of min. 1m(W) x 1m(L) x 1.2m (soil depth excluding drainage layer) and support with tree stakes for healthy establishment;

- (h) note CE/MN, DSD's comments that cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits. Consideration should be given to provide grating for the surface channels. Sand trap or provision alike should be provided before the collected runoff is discharged to be public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, 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 FSI 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) note CBS/NTW, BD's comments that 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 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 the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person 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 (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.