

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration By RNTPC/TPB</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-PH/725	Proposed temporary public car park for a period of 3 years	5.2.2016  [Revoked on 5.5.2016]	(3), (4), (7), (8), (9), (10), (11), (13), (14), (16)
2	A/YL-PH/745	Proposed temporary public car park for private cars and light goods vehicle for a period of 3 years	28.7.2017  [Revoked on 28.8.2019]	(3), (4), (5), (6), (7), (11), (13), (14), (16), (17)
3	A/YL-PH/780	Proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years	20.7.2018  [Revoked on 20.1.2019]	(1), (2), (6), (12), (13), (14), (15), (16), (17)

**Approval Conditions**

- (1) no operation between specific time
- (2) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site
- (3) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the site
- (4) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers to be parked/stored on or enter/exit the site
- (5) 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 are allowed to be parked/stored on or enter/exit the site;
- (6) no vehicle is allowed to queue back or reverse onto/ from public road;
- (7) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site
- (8) no reversing of vehicles into or out from the site is allowed

- (9) no operation shall commence on the site prior to the provision of natural terrain hazard mitigation measures, including the submission of an as-built record
- (10) the natural terrain hazard mitigation measures implemented on the site shall be maintained
- (11) the provision of boundary fencing
- (12) the existing boundary fence on the site shall be maintained;
- (13) the submission and/or implementation of drainage proposal
- (14) the submission and/or implementation of landscape and tree preservation proposal
- (15) the submission and implementation of fire service installations proposal
- (16) if any of the planning conditions was not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice/ if any of the planning conditions was not complied with by the specified time limit, the approval given shall cease to have effect and shall on the same date be revoked without further notice.
- (17) upon expiry of the planning permission, the reinstatement of the site to an amenity area

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration By RNTPC/TPB</u></b>	<b><u>Rejection Reasons</u></b>
1.	A/YL-PH/479	Temporary open storage of vehicles for a period of 3 years	22.4.2005 [on review]	(1), (2), (3)
2.	A/YL-PH/537	Temporary open storage of construction machinery for a period of 3 years	23.2.2007	(1), (2), (3), (4)
3.	A/YL-PH/681	Temporary open storage of construction machinery for a period of 3 years	17.1.2014	(1), (2), (4), (5)

Rejection Reasons

- (1) The proposed development was not in line with the planning intention of the "Residential (Group D)" zone, which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There was no strong justification provided in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted at the site; not compatible with the nearby residential structures and the "CA" zone; and/or there were adverse departmental comments on the application
- (3) There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, drainage, visual and/or landscape impacts on the surrounding areas
- (4) The approval of the application would set an undesirable precedent for similar applications to proliferate further into the area.
- (5) The applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas



**Similar Application within the Same “R(D)” Zone on  
approved Pat Heung Outline Zoning Plan**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration By RNTPC/TPB</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-PH/806	Proposed temporary recycling materials collection centre (garment and cloth collection centre with ancillary office) for a period of 3 years	1.8.2019	(1), (2), (3), (4), (5), (6), (7), (8)

**Approval Conditions**

- (1) no operation between specific time is allowed;
- (2) no operation on specific days is allowed;
- (3) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailer are allowed to be parked/stored on or enter/exit the site;
- (4) no vehicle is allowed to queue back to or reverse onto/from public road;
- (5) the submission and implementation of a run-in/out proposal
- (6) the submission and implementation of drainage proposal
- (7) the submission and implementation of fire service installations proposal
- (8) if any of the planning conditions was not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice/ if any of the planning conditions was not complied with by the specified time limit, the approval given shall cease to have effect and shall on the same date be revoked without further notice.



**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 restrictions 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 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. Applications 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 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 Transport Department (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 is not/ shall not be responsible for the maintenance for any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the 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 DAFC's comments that the applicant shall adopt precautionary measures to avoid disturbance and pollution to the stream along the south-eastern boundary of the Site;
- (f) note CE/MN, DSD's comments on the submitted drainage proposal that catchpits at points with directional changes should be provided. Besides, the invert levels of the proposed catchpits should be provided for reference. The clarification on why there is no intercepting drains at north-western side of the Site should be provided. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. Calculation to justify the layout and size of the proposed drains should be provided. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. 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 the public drainage facilities. Where walls or hoarding are

erected or laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. 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 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;

- (g) note CBS/NTW, BD's comments that before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are 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. 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; and
- (h) 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 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.