

Previous s.16 Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/YL-SK/37	Public Car/Lorry Park (about 15 parking spaces)	14.2.1997 (for a period of 5 years)	(1), (2), (3)
A/YL-SK/81	Temporary Open Storage of New Private Cars Prior to Sale for a Period of 12 Months	16.7.1999	(1), (2), (4)
A/YL-SK/92	Temporary Open Storage of New Private Cars and Vehicle Parts for a Period of 3 Years	13.10.2000	(1), (2), (4), (6), (7)
A/YL-SK/110	Temporary Open Storage of New Private Cars Prior to Sale for a Period of 3 years	23.5.2003	(4), (7), (8), (9), (10)
A/YL-SK/127	Temporary Open Storage of New Private Cars and Light Goods Vehicles Prior To Sale for a Period of 3 Years	18.11.2005	(4), (7), (8), (9), (10), (11), (12)
A/YL-SK/155	Proposed Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	12.2.2010 [Revoked on 12.11.2010]	(1), (2), (4), (7), (8), (9), (13), (14), (15), (16)
A/YL-SK/177	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	7.12.2012	(1), (4), (7), (8), (9), (11), (12), (13), (14), (15), (16), (17)
A/YL-SK/212	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) and Ancillary Car Beauty Services for a Period of 3 Years	4.3.2016 [Revoked on 4.6.2017]	(1), (4), (7), (8), (9), (11), (12), (13), (14), (15), (16), (17)
A/YL-SK/228	Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years	26.1.2018 [Revoked on 26.6.2020]	(1), (2), (4), (7), (8), (9), (11), (12), (15), (16)

Approval Conditions:

- (1) The submission and implementation/ maintenance of landscaping proposals/ Tree Preservation Proposal.
- (2) The submission and implementation of drainage proposal/ provision of drainage facilities/ stormwater/ maintenance of drainage facilities.

- (3) The permission shall cease to have effect on a specified date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
- (4) Reinstatement of the Site to an amenity area upon expiry.
- (5) The provision of drainage facilities.
- (6) Fencing of the Site.
- (7) Revocation of planning permission if planning conditions not complied with during the approval period/by the specified time limit.
- (8) No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance, coaches or container trailers/tractors were allowed to be parked/stored on the Site.
- (9) No vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the Site.
- (10) The landscape planting and/or drainage facilities on the site should be maintained at all time.
- (11) Restriction on the operation hours.
- (12) The submission and provision/ implementation of fire services installations proposals/ provision of fire extinguisher(s) together with a valid fire certificate (FS251).
- (13) No vehicles without valid licenses issued under the Traffic Regulations were allowed to be parked/stored on the Site.
- (14) No more than specific numbers private cars/light goods vehicles were allowed to be parked on the Site.
- (15) Maintenance of the existing boundary fencing on the Site.
- (16) No vehicles are allowed to queue back to or reverse onto/from public road of the Site.
- (17) A notice should be posted at a prominent location of the site to indicate that no medium or heavy vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance and coaches are allowed to be parked/stored on or enter/exit the Site.

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/YL-SK/149	Temporary Open Storage of New Private Cars and Light Goods Vehicles Prior to Sale for a Period of 3 Years	19.12.2008 (Rejected on review on 12.6.2009)	(1), (2)

Reject Conditions

- (1) The continuous occupation of the site for the applied temporary open storage use was not in line with the planning intention of the "Village Type Development" zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- (2) The continuation of the use on the site did not comply with the Town Planning Board Guidelines No. 13E in that the site fell within Category 4 areas, the intention of which was to encourage the phasing out of the non-conforming uses, and that there was adverse departmental comment on the application.

Advisory Clauses

- (a) shorter compliance period for close monitoring of progress on compliance with the approval conditions are recommended. Should the applicant fail to comply with approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises Old Schedule Agricultural Lot 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; and
 - (ii) the lot owner(s) will need to apply to DLO/YL of LandsD to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the applied 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 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.
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (d) to note the comments of the Director of Environmental Protection (DEP) to following the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his department to minimize any potential environmental nuisances.
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
 - (i) the existing trees within the Site shall be preserved under the lease. For site without a tree preservation requirement under the lease, reference should be made to the LandsD’s LAO PNs No. 2/2020 on Tree Preservation and Tree Removal Application for Building Development in Private Projects.

- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that:
- (i) it is noted a watercourse is located to the north of the Site. The applicant is advised to adopt necessary measures to avoid causing disturbance or pollution to the watercourse during operation.
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal that:
- (i) provision of u channel along eastern boundary at Kam Tin Road should be considered;
 - (ii) the invert levels of the proposed catchpits should be shown on the drainage plan for reference;
 - (iii) the existing drainage facilities, to which the stormwater of the development from the subject site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case that it is a local village drains, the Yuen Long District Office should be consulted;
 - (iv) the applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the captioned development;
 - (v) the location and details (i.e. cross section) of the proposed hoarding/peripheral wall, if any, should be shown on the proposed drainage plan. Please be reminded that overland flow from adjacent area should not be obstructed;
 - (vi) cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given;
 - (vii) standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit;
 - (viii) sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
 - (ix) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc; and
 - (x) 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.

- (h) to note the comments of the Director of Fire Services (D of FS) on the submitted Fire Service Installations Proposal that:
- (i) The fire service installations proposal is considered acceptable to his department. Please be advised that the installation/ maintenance/ modification/ repair work of fire service installation shall be undertaken by an 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 (FS251) and forward a copy of the certificate to the D of FS.
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any applied use under the application;
 - (ii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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;
 - (iii) 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 BA 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;
 - (iv) 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 respectively; and
 - (v) the Site does not abut on a specified street of not less than 4.5m wide, and its permitted development intensity of each individual site shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

