

**Previous S.16 Application**

**Rejected Application**

<b>Application No.</b>	<b>Uses/Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-LYT/281	Temporary Open Storage of Washroom Accessories for a Period of 3 Years	13.8.2004	R1 & R2

**Rejection Reasons**

- R1      There was insufficient information in the submission to demonstrate that the development under application would not degrade the rural village landscape character of the area.
  
- R2      The development under application did not comply with the Town Planning Board Guidelines No. 13C for “Application for Open Storage and Port Back-up Uses” in that there was no previous planning approval granted to the application site and no technical assessments/proposals had been submitted to demonstrate that the subject development would not generate adverse impacts on the surrounding areas.

**Similar S.16 Applications for Vehicle Park within the “Agriculture” zone in the  
Lung Yeuk Tau and Kwan Tei Area**

**Approved Applications**

<b>Application No.</b>	<b>Uses/Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LYT/462*	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	1.6.2012	A1, A6, A14, A17, A22 & A25
A/NE-LYT/560*	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	8.5.2015	A1, A6, A15, A19, A21, A22 & A25
A/NE-LYT/577#	Proposed Temporary Open Car Park for a Period of 3 Years	20.11.2015 (revoked on 20.9.2016)	A2, A3, A7, A10, A12, A16, A18, A24 & A25
A/NE-LYT/598#	Proposed Temporary Public Vehicle Park for a Period of 3 Years	29.7.2016	A2, A4, A8, A10, A12, A16, A18, A24 & A25
A/NE-LYT/662*	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	15.6.2018	A1, A6, A9, A15, A20, A21, A23 & A25
A/NE-LYT/689	Temporary Vehicle Park (Private Car and Motorcycle) for a Period of 3 Years	3.5.2019	A2, A5, A11, A13, A18, A22, A24 & A25
A/NE-LYT/704#	Proposed Temporary Public Vehicle Park for a Period of 3 Years	16.8.2019	A2, A4, A8, A10, A12, A18, A22, A24 & A25

**Remarks**

\*: A/NE-LYT/462, 560 & 662 are the same site.

#: A/NE-LYT/577, 598 & 704 are the same site.

## **Approval Conditions**

- A1 No vehicles other than private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, were allowed to be parked within the site
- A2 No vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A3 Only private car as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A4 Only private car and motorcycle as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A5 No vehicles other than private car and motorcycle was allowed to be parked or enter/exit the site
- A6 A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the site
- A7 A notice should be posted at a prominent location of the site to indicate that only private car as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site
- A8 A notice shall be posted at a prominent location of the site to indicate that only private car and motorcycle as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A9 The implementation of the traffic management proposals and widening of the vehicular gate
- A10 No car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the site
- A11 No car washing/fuelling, vehicle repair, dismantling, paint spraying or other workshop activities was allowed
- A12 The boundary fence on the site should be maintained
- A13 The peripheral fencing and paving on the site should be maintained
- A14 The existing trees should be maintained in good condition
- A15 The existing trees and landscape plantings on-site should be maintained

- A16 The submission and the implementation of landscape proposal
- A17 The submission and the implementation of drainage proposals
- A18 The submission of a drainage proposal and the provision of the drainage facilities
- A19 The existing drainage facilities implemented under Application No. A/NE-LYT/462 on the site shall be maintained
- A20 The existing drainage facilities shall be properly maintained
- A21 The submission of a condition record of the existing drainage facilities on the site
- A22 The submission and the implementation of proposals or the provision of water supplies for firefighting and fire service installations
- A23 The submission and the implementation of the fire service installations proposals
- A24 Reinstatement Clause
- A25 Revocation Clause

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/North, Lands Department that:
- (i) the applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government Land (GL) will be allowed for the vehicle access of the proposed use;
  - (ii) one container type structure was erected on the Site without approval from his office. The aforesaid structure is not acceptable under the lease concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
  - (iii) some GL adjoining the Site is being fenced up and occupied without approval. The applicant should remove the fences erected on the GL concerned at his own cost and stop the illegal occupation. His office reserves the right to take necessary land control actions against the irregularities;
  - (iv) the actual occupation area does not tally with the application boundary; and
  - (v) if the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The applications for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payments of waiver fee/rent and administrative fees as considered appropriate by his office;
- (b) to note the comments of the Commissioner for Transport that the vehicular access between the Site and Sha Tau Kok Road – Lung Yeuk Tau is not managed by TD. The applicant should seek comment from the responsible party;
- (c) to note that comments of Comments of the Chief Building Surveyor/ New Territories West, Buildings Department as follows:
- (i) before any new building/drainage works are to be carried out on the Site, the prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
  - (ii) any temporary shelters or converted containers for site office are considered as temporary buildings are subject to control under the Building (Planning) Regulations Pt. VII;
  - (iii) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;

- (iv) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined under the Building (Planning) Regulations 19(3) at building plan submission stage; and
  - (v) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at building plan submission stage;
- (d) to note the comments of Director of Fire Services as follows:
- (i) in consideration of the design/ nature of the applied use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
  - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
  - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that Sui Wan Road adjacent to the Site is not maintained by his Department;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (h) the applicant should follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.