

Previous S.16 Application

Approved Application

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-LYT/568	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	7.8.2015	A1 – A9

Approval Conditions

- A1 No vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A2 Only private car as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A3 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
- A4 No car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the site
- A5 The boundary fence on the site should be maintained
- A6 The submission and implementation of a landscape proposal
- A7 The submission of a drainage proposal
- A8 The provision of the drainage facilities
- A9 Revocation clause

**Similar S.16 Applications for Temporary Public Vehicle Park
in the vicinity of the site within the same “Agriculture” zone
in the Lung Yeuk Tau and Kwan Tei Area**

Rejected Application

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-LYT/718	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	6.3.2020	R1 & R2

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- R2 The applicant failed to demonstrate that the development would not cause adverse traffic impact on the surrounding areas.

Recommended Advisory Clauses

- (a) to note the following comments of DLO/N, LandsD:
 - (i) the Site comprises private lots which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own arrangement for acquiring access to the application site, and there is no guarantee that any adjoining Government land (“GL”) will be allowed for the vehicle access of the applied use;
 - (ii) the actual occupation area does not tally with the application boundary. The GL within the application site is being occupied without prior approval of this office. His office reserves the right to take enforcement actions against the unauthorized occupation of GL; and
 - (iii) if the planning application is approved, the owner of the lots concerned shall apply to his office for a Short Term Tenancy (STT) covering all the actual GL being occupied. The application for STT will be considered by Government in its landlord’s capacity and there is no guarantee that they will be approved. If the STT is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of rent and administrative fee as considered appropriate by his office.
- (b) to note the comment of C for T that the vehicular access between the Site and Sha Tau Kok Road – Lung Yuek Tau is not managed by Transport Department. The applicant should seek comment from the responsible party.
- (c) to note the comments of the DEP that the applicant should follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP in order to minimize any potential environmental nuisance;
- (d) to note the comments from UD&L that the approval of the planning application does not imply approval of tree preservation / removal scheme under the lease. Thus, the applicant should seek comments and approval on the proposed tree works and / or compensatory planting approval, where appropriate.
- (e) to note the comments from CE/MN, DSD that the Site is in an area where no public sewerage connection is available; and
- (f) to note the following comments of D of FS:
 - (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) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.