

**Previous S.16 Applications**

**Approved Applications**

<b>Application No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-PK/81	Temporary Private Car Park (Private Car and Light Van) for a Period of 3 Years	24.6.2016 (Revoked on 24.5.2017)	A1 – A9

**Approval Conditions:**

- A1 No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be parked/stored on or enter/exit the site
- A2 No medium or heavy goods vehicle exceeding 3.3 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A3 No car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the site
- A4 The provision of boundary fencing
- A5 The submission and implementation of tree preservation and landscape proposals
- A6 The submission of a drainage proposal
- A7 The provision of drainage facilities
- A8 Revocation clause
- A9 Reinstatement clause

**Recommended Advisory Clauses**

- (a) prior planning permission should be obtained before commencing the applied use at the Site;
- (b) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions. Should the applicants fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application;
- (c) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicants should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicants should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (d) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that the Site comprises an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicants should make their own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use. Should the application be approved, the applicants shall apply to his office for a Short Term Waiver (STW) to cover all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW 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 waiver fee and administrative fee as considered appropriate by his office;
- (e) to note the comments of the Commissioner for Transport (C for T) and the Chief Highway Engineer/New Territories East of Highways Department (CHE/NTE, HyD) that the local track leading to the Site is not managed by the Transport Department or Highways Department. The land status, management and maintenance responsibility of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
  - (i) the limited desktop checking by the Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve the applicants' obligation to ensure that (i) the proposed drainage works will not cause any adverse drainage or environmental impact in the vicinity; and (ii) the proposed drainage works and the downstream drainage systems have adequate

capacity and are in good conditions to receive the flows collected from their lot and all upstream catchments. The applicants shall effect any subsequent upgrading of these proposed works and the downstream drainage system whenever necessary;

- (ii) all stormwater drainage facilities to be completed under the proposed development, whether within private lots or Government land, shall be constructed and solely maintained by the applicants and successive owners of the proposed development at their own resources. The applicants and the successive owners of the proposed development would be duly bound by such obligations and all other conditions related to stormwater drainage. The applicants shall be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development;
  - (iii) to facilitate checking and enforcement of the obligations in (ii) above in the future, records of the drainage works completed under the proposed development shall be submitted;
  - (iv) the applicants shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works, if necessary;
  - (v) the applicants and the successive owners of the proposed development shall allow connections from the adjacent site to the completed drainage works on Government land when so required;
  - (vi) the applicants shall take extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the proposed development shall be made good at the applicants' cost;
  - (vii) the applicants shall submit the as-built drawings showing the completed proposed drainage facilities for record purpose;
  - (viii) if walls are to be erected or kerbs are to be laid along the site boundaries, adequate openings should be provided at the wall/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the proposed development, unless the proposal justifies otherwise;
  - (ix) peripheral U-channels with cast iron grated cover with levels matching the adjacent ground to intercept any surface runoff flowing across the lot boundary should be provided; and
  - (x) the applicants shall check and ensure that the proposed channel covers are at right levels to collect the existing overland flow from the adjacent land, if any;
- (h) to note the comments of the Director of Water Supplies (DWS) that existing water mains inside the Site will be affected. The applicants are required to either divert or protect the water mains found on the Site as follows:
- (i) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary to lie in Government land. A strip of land minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of

diversion of existing water mains upon request will have to be borne by the grantee/applicants; and the applicants shall submit all the relevant proposal to the Water Supplies Department for consideration and agreement before the works commence;

- (ii) if diversion is not required, the following conditions shall apply, including (a) existing water mains are affected and no development which requires resiting of water mains will be allowed; (b) details of the site formation works shall be submitted to DWS for approval prior to commencement of works; (c) no structure shall be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works; (d) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s). No change or existing site condition may be undertaken within the aforesaid area without prior agreement of the DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must be extended below the invert level of the pipe; (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and (f) tree planting may be prohibited in the event that the DWS considers that there is any likelihood of damage being caused to water mains;
- (i) to note the comments of the Chief Building Surveyors/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
  - (i) before any new building works are to be carried out on the Site, the prior approval and consent of 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 Buildings Ordinance (BO);
  - (ii) the proposed shelter is considered as temporary building subject to the control under Building (Planning) Regulations (B(P)R) Pt. VII;
  - (iii) the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D;
  - (iv) if the Site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined by the BA under B(P)R 19(3) at the 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; and
- (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicants are advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicants are also advised that the layout plan 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 plan. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.