

Previous Application covering the Application Site

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejected Reason
A/NE-TK/670	Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years	5.7.2019	R1

Rejection Reason

R1. The applicant failed to demonstrate that the proposed development would not result in adverse geotechnical impact on the Site and its surrounding areas

Similar Application within the same “REC” zone

Approved Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/684	Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years	1.9.2020	A1-A7

Approval Conditions

- A1. No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period.
- A2. Only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period.
- A3. A notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period.
- A4. The provision of peripheral fencing on the Site within specified periods from the date of planning approval.
- A5. The submission and implementation of drainage proposal within specified periods from the date of planning approval.
- A6. The submission and implementation of proposals for fire services installations (FSIs) and water supplies for fire-fighting within specified periods from the date of planning approval.
- A7. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period.

Detailed Departmental Comments

Detailed Comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

- (a) if diversion is required, existing water mains within the lots are needed to be diverted outside the site boundary to lie in Government land. A strip of land of 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 applicant and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
- (b) if diversion is not required, the following conditions shall apply:
 - (i) no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (iii) no structures 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 WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) 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 of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. 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 extend below the invert level of the pipe;
 - (v) 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
 - (vi) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains.

Detailed Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)

- (a) 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (b) 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;

- (c) in connection with (i) above, 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) Regulation respectively;
- (d) 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 Building (Planning) Regulation at the building plan submission stage; and
- (e) detailed comments under the BO will be provided at the building plan submission stage.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) no structure shall be erected on the application site (the Site) without the prior approval from LandsD;
 - (ii) two containers were found on the Site without the prior approval from LandsD;
 - (iii) should the application be approved by the Board, the applicant is required to submit a short term waiver (STW) application to LandsD should he wish to erect any structure on the Site. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fee as considered appropriate;
 - (iv) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto; and
 - (v) the applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course;
- (b) to note the comments of the Commissioner for Transport (C for T) that:
- (i) the village access road is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
 - (ii) sufficient space within the Site should be provided for manoeuvring of vehicles;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant should 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";
- (d) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant should submit relevant layout plans incorporated with the proposed fire services installations (FSIs) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) if there is any proposed structure(s) which 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;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN,DSD) that:
 - (i) while there are DSD's public stormwater drains in this area, the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from the surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) there is existing public sewers in the vicinity of the Site; and
 - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains are within the lots and will be affected. The applicant is required to either divert or protect the water mains found on the Site. Detailed comments are provided in **Appendix IV**; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that for any new proposed buildings, the applicant is advised to note the comments under the Buildings Ordinance in **Appendix IV**.