

Previous s.16 Application covering the Application Site

Approved Application

<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
A/YL-PS/500	"Village Type Development" ("V") (about 65%) and "Residential (Group C)" ("R(C)") (about 32%) on the then approved Ping Shan OZP No. S/YL-PS/16; and "Residential (Group D)" ("R(D)") on the then approved Ha Tsuen OZP No. A/YL-HT/10	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	22.1.2016 (revoked on 22.4.2017)	(1) to (14)

Approval Conditions:

- (1) No night-time operation
- (2) Only private cars, light goods vehicles and medium goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site
- (3) A notice should be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance, was allowed to enter/ be parked on the site
- (4) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site
- (5) Paving on the site shall be maintained at all times
- (6) No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site
- (7) No vehicle is allowed to queue back to or reverse onto/from public road
- (8) The erection of 'Pedestrian on or crossing road ahead' traffic signs at the access road between Tin Ha Road and the site and at the ingress/egress of the site to remind drivers on pedestrian safety on the access road to the site
- (9) The erection of bollards at 3-meter interval at the section of access road between Tin Ha Road and the site
- (10) Implementation of accepted drainage proposal
- (11) Maintenance of implemented drainage facilities
- (12) Submission and implementation of fire service installations
- (13) Implementation of accepted landscape and tree preservation proposal
- (14) Provision / maintenance of boundary fencing
- (15) Revocation clause
- (16) Reinstatement clause

**Similar Application within the Same “V” Zone*
on the Approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2**

Rejected Application

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
A/HSK/222	Proposed Temporary Shop and Services with Ancillary Office for a Period of 3 Years	12.6.2020	(1) to (2)

Rejection Conditions

1. Not in line with the planning intention
2. The approval of the application would set an undesirable precedent for similar applications within the same “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area

* Since the site has been rezoned under the HSK/HT OZP currently in force.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lots No. 1805 and 1817 in D.D. 124 are covered by Short Term Waiver (STW) for temporary public vehicle park for private cars and LGV (not exceeding 5.5 tonnes) with ancillary car beauty service, whereas Lots No. 1813 and 1814 are covered by STW for temporary public vehicle park for private cars and LGV. ~~The lot owner(s) may consider submitting formal applications to his office for STW/Short Term Tenancy (STT) holders will need to apply to his office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the 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 to permit erection of the proposed structures on the lots and the adjoining GL. However, there is no guarantee that such application(s) will be approved and he will reserve his right to take any action as may be appropriated. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. If such application(s) is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, rent, deposit and administration fee etc.;~~
- (e) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Ha Road;

- (g) to note the comments of the Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is reminded to approach relevant authority / Government department(s) direct to obtain the necessary approval on tree works where appropriate. If replacement for existing tree is required, the applicant may wish to consider other tree species with small mature size in lieu of *Ficus microcarpa* which has the characteristics of vigorous root system and large tree canopy in mature size;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). 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. 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 (B(P)R) respectively. If the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R;
- (i) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire services installations (FSIs) to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that 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;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should be reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works; and
- (k) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the boundary of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site

formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within a site under Second Phase development in the latest programme of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.