

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/YL-PS/320	“V” on draft Ping Shan OZP No. S/YL-PS/11	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles with Ancillary Car Beauty Service for a Period of 3 Years	13.08.2010 (revoked on 26.4.2011)	(1) to (9), (13) & (14)
2	A/YL-PS/442	“V” on approved Ping Shan OZP No. S/YL-PS/14	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) with Ancillary Car Beauty Service for a Period of 3 Years	25.4.2014 (revoked on 4.1.2016)	(1) to (14)
3	A/HSK/60	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles with Ancillary Car Beauty Service for a Period of 3 Years	6.7.2018 (revoked on 6.10.2018)	(1) to (4), (6), (7), (9) to (14)

Approval Conditions

- (1) No night-time operation
- (2) No vehicles exceeding 5.5 tonnes were allowed to be parked on the site
- (3) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site
- (4) No vehicle dismantling, maintenance, repairing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period
- (5) Implementation of the traffic improvement measures
- (6) Provision of periphery/boundary fencing on the site
- (7) Submission and implementation of landscape and tree preservation proposal
- (8) Submission and implementation/Implementation of drainage proposal
- (9) Submission and implementation/Implementation of fire service installations proposals
- (10) A notice to be posted at a prominent location of the site to indicate that only vehicles not exceeding 5.5 tonnes were allowed to be parked/stored
- (11) No queuing back or reversing onto/from the public road
- (12) Maintenance of drainage facilities on the site
- (13) Revocation clause
- (14) Reinstatement clause

Rejected Applications

	<u>Application No.</u>	<u>Zoning</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
1	A/YL-PS/536	“V” on approved Ping Shan OZP No. S/YL-PS/16	Temporary Minibus Seating Assembling Workshop, Open Storage of Minibus and Storage of Vehicle Seating and Parts with Ancillary Office for a Period of 3 Years	18.08.2017 (on review)	(1) to (5)
2	A/HSK/23	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Open Storage of New Vehicles (Minibus) with Ancillary Office for a Period of 3 Years	10.11.2017	(1), (2), (4) and (5)
3	A/HSK/116	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) with Ancillary Car Beauty Services and Office for a Period of 3 Years	14.6.2019 (on review)	(6)
4	A/HSK/222	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Shop and Services with Ancillary Office for a Period of 3 Years	12.6.2020	(1) and (5)

Rejection Reasons

- (1) Not in line with the planning intention for the area
- (2) Not compatible with the surrounding land uses
- (3) Fails to demonstrate no adverse environmental impact on the surrounding areas
- (4) Not comply with the then Town Planning Board Guidelines No. 13E
- (5) Undesirable precedent for similar uses
- (6) Repeated revocation history. Approval of the application with repeated non-compliances with approval condition(s) would set an undesirable precedent for other similar applications

**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/278	Proposed Temporary Shop and Services (Pet Goods and Food) for a Period of 3 Years	22.1.2021	(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) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) 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 that no structures are allowed to be erected without prior approval of the Government. The private lot No. 1817 in D.D. 124 is covered by Short Term Waiver (STW) No. 3915 for Temporary Public Vehicle Park for Private cars and LGV (Not Exceeding 5.5 Tonnes) with Ancillary Car Beauty Service. The STW holders should apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW should apply to his office 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 or regularization or erection of temporary structures will be considered. Application(s) for any of the above will be considered by 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 premium or fee, as may be imposed by LandsD;
- (c) 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;
- (d) 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;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal that full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system) should be clearly indicated. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap. Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL of LandsD and seek consent from the relevant owners for any drainage works to be carried out

outside his lot boundary before commencement of the drainage works;

- (f) 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;
- (g) to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise potential environmental nuisance to the surrounding area;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under this application. For UBW erected on leased land, enforcement action may be taken by the Buildings Department (BD) to effect their removal in accordance with the prevailing 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 application site under the BO. 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 BA should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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; and
- (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.