

Previous Applications Covering the Application Site

Approved Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/12	Proposed Comprehensive Development with Minor Relaxation on Building Height	8.8.1997 (Lapsed on 8.8.2003)	(1) to (11)
A/YL-PS/267	Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom for a Period of 3 years	13.4.2007 (Revoked on 13.1.2008)	(12) to (14), (18), (22), (26) & (29) to (31)
A/YL-PS/277	Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom for a Period of 3 years	14.12.2007 (Revoked on 24.7.2008)	(12) to (14), (18), (22), (26) & (29) to (31)
A/YL-PS/288	Temporary Vehicle Park for Private Car and Light Goods Vehicle with Ancillary Office and Storeroom for a Period of 3 years	24.10.2008 (Revoked on 24.4.2009)	(12) to (14), (18), (23), (25), (27), (28), (30) & (31)
A/YL-PS/296	Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom for a Period of 3 years	27.2.2009	(12), (13), (15), (18), (19), (23), (25), (27), (28), (30), (31)
A/YL-PS/368	Renewal of Planning Approval for Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom for a Period of 3 years	24.2.2012	(12), (13), (15), (17) to (19), (24), (25), (27), (28), (30) & (31)
A/YL-PS/471	Renewal of Planning Approval for Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom for a Period of 3 years	6.2.2015 (Revoked on 12.5.2017)	(12), (13), (16), (17) to (21), (24), (25), (27), (28) & (30)

Approval Conditions

- (1) Submission and implementation of Master Layout Plan.
- (2) Submission and implementation of a master landscape plan, including a tree preservation proposal.
- (3) Design and provision of a bus terminus layout.
- (4) Provision of footbridges linking the housing site to the north and the future Hung Shui Kiu LRT Station.
- (5) Extension of the proposed footbridge to the south connecting to the LRT station platforms and to the other side of Castle Peak Road.
- (6) Design and provision of ingress/egress point(s), parking spaces, taxi areas, loading and unloading facilities and pedestrian access(es).
- (7) Design and provision of a market, indoor recreation centre and a refuse collection point.
- (8) Provision of an EVA and fire service installations.
- (9) Submission of a noise impact assessment and provision of noise mitigation measures.
- (10) Submission of a drainage impact assessment and provision of flood mitigation measures.
- (11) Deletion of the provision of a day nursery and submission and implementation of a development programme.
- (12) No night-time operation.
- (13) No washing/repairing/dismantling/paint spraying of vehicles and other workshop activities.
- (14) No parking of goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers.
- (15) No parking of goods vehicles exceeding 24 tonnes, coaches, container vehicles, container tractors and trailers.
- (16) Only private cars and light goods vehicles are allowed to enter/be parked.
- (17) A notice shall be posted at a prominent location to indicate that only private cars and light goods vehicles are allowed to enter/be parked.
- (18) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (19) Adherence to the proposed parking layout arrangement.
- (20) No vehicle is allowed to queue back to or reverse onto/from public road.
- (21) Provision of boundary fencing.
- (22) Implementation of the accepted landscape proposal.
- (23) Maintenance of existing landscape planting.
- (24) Submission and implementation of tree preservation proposal and tree survey/tree preservation proposal.
- (25) Maintenance of existing drainage facilities implemented under the previous approval.
- (26) Provision of the proposed drainage facilities.
- (27) Submission of the condition record of the existing drainage facilities.
- (28) Submission of fire services installations proposal and provision of fire service installations proposed.
- (29) Provision of a 9-litre water type/3kg dry powder fire extinguisher.
- (30) Revocation clause.
- (31) Reinstatement clause.

Rejected Application

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Reasons for Rejection</u>
A/YL-PS/50	Proposed Restaurant and Car Park	26.3.1999	(1) to (4)

Reasons for Rejection

- (1) The proposed development which is piecemeal in nature and is not in line with the planning intention of the “CDA” zone.
- (2) There is insufficient information in the submission to demonstrate that a proper vehicular access and sufficient loading/unloading spaces would be provided.
- (3) The approval of the application will frustrate the implementation of essential infrastructural projects in the area.
- (4) The approval of the application will set an undesirable precedent for similar piecemeal applications, the cumulative effect of which will defeat the planning intention of “CDA” zone.

**Similar Applications within the Same “R(A)4” Zone
on the Draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1
(Previously zoned “CDA” on the Approved Ping Shan OZP No. S/YL-PS/16)**

Approved Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/331	Temporary Vehicle Park for Private Cars and Light Goods Vehicles (with Ancillary Site Office) for a Period of 3 Years	29.10.2010 (revoked on 29.10.2011)	(1), (2), (3), (5), (7), (8), (11), (14) and (16) to (18)
A/YL-PS/354	Temporary Vehicle Park for Private Cars and Light Goods Vehicles (with Ancillary Site Office) for a Period of 3 Years	7.10.2011 (revoked on 7.8.2013)	(1) to (5), (7), (9), (11) to (14) and (16) to (18)
A/HSK/2	Proposed Temporary Public Vehicle Park (excluding container vehicle) for a period of 3 years	11.8.2017	(2) to (5), (7), (10), (13), (14), (16) to (20)

Approval Conditions

- (1) Restrictions on operation hours.
- (2) No dismantling and repairing of vehicle or other workshop activity.
- (3) No parking of goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers.
- (4) A notice shall be posted at a prominent location to indicate that no medium or heavy vehicle are allowed to enter/be parked.
- (5) No parking/storage of vehicle without valid licence.
- (6) Implementation of accepted landscape proposal.
- (7) Submission and implementation of landscape and tree preservation proposal.
- (8) Submission of tree monitoring report every 6 months.
- (9) Maintenance of existing trees within the site.
- (10) Submission and implementation of drainage proposal.
- (11) Implementation of drainage facilities as proposed.
- (12) Submission of condition record of the existing drainage facilities.
- (13) Maintenance of existing drainage facilities.
- (14) Provision/Maintenance of peripheral fencing.
- (15) Provision of a 9-litre water type/3kg dry powder fire extinguisher.
- (16) Submission and implementation of fire service installations proposal.
- (17) Revocation Clause.
- (18) Reinstatement clause
- (19) No vehicle is allowed to queue back to or reverse onto/from public road at any time
- (20) Submission/Provision of a run-in/out proposal

**Appendix V of RNTPC
Paper No. A/HSK/39**

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development of the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (c) to note that the Site might be resumed at any time during the planning approval period for the implementation of government project;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Building Ordinance (BO). The applicant should obtain the Building Authority (BA)'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 applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulations.
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Government Land (GL) in the Site is covered by Short Term Tenancy (STT) No. 2707 for the purpose of "Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom". The private land of Lot No 2429 RP in D.D. 124 is covered by Short Term Waiver (STW) No. 3826 to permit structures for the purpose of "Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom". The Site is accessible by Hung Yuen Road through GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way. According to his record, there is no lease modification/land exchange application and building plan submission in relation to commercial development at the Site approved/under processing. The STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there are any irregularities on Site. Such application(s) will be considered by the LandsD acting in the capacity of the landlord *of 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 the LandsD.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House (NTEH)) are erected on lease land without the approval of the BD, they are unauthorized building works

(UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. 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 and when necessary. The granting of any planning approval should not be constructed 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 the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized 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 respectively. 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.

- (g) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that sufficient maneuvering space shall be provided within the subject site.
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that if the proposed run-in/out is agreed by TD, the applicant should provide the run-in/out at Hung Yuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. 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 Hung Yuen Road.
- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental nuisance on the surrounding area.
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire services installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are 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.
- (k) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach

the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

- (1) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the approval of the application does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to DLO or other relevant tree authority as appropriate for approval. Due to the nature of the application, precautions should be proposed to prevent damage to the screen planting including trees and shrubs. A minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree should be provided. The applicant may refer to the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” published by PlanD, for typical sections of the boundary landscape treatment. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.