

Previous s.16 Applications covering the Application Site

Approved Applications

| | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Zoning</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</u> |
|----|-------------------------------|---|----------------------|--|--|
| 1. | A/YL-LFS/53 | Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Coaches and a Snack-bar for a Period of 3 Years | R(C) | 30.6.2000 (Revoked on 30.3.2001) | 1, 2, 3, 4, 5, 15, 16 |
| 2. | A/YL-LFS/84 | Temporary Public Car Parking for Private Cars, Light Goods Vehicles, Motor Coach and Snack-bar for Car Park for a Period of 3 Years | R(C), V | 10.5.2002 (Revoked on 10.2.2003) | 1, 2, 4, 5, 6, 15, 16 |
| 3. | A/YL-LFS/94 | Temporary Public Car Parking for Private Cars, Light Goods Vehicles and Motor Coach for a Period of 3 Years | R(C), V | 25.10.2002 | 1, 2, 4, 5, 6, 15, 16 |
| 4. | A/YL-LFS/139 | Temporary Public Car Park for Private Cars, Light Goods Vehicles and Motor Coach for a Period of 3 Years | R(C), V | 23.12.2005 (Revoked on 14.3.2006) | 1, 6, 7, 8, 9, 10, 15, 16 |
| 5. | A/YL-LFS/145 | Temporary Public Car Park for Private Cars, Light Goods Vehicles and Motor Coach for a Period of 3 Years | R(C), V | 3.11.2006 (1 year) (Revoked on 3.6.2007) | 6, 8, 9, 10, 15, 16 |
| 6. | A/YL-LFS/170 | Temporary Public Car Park for Private Cars, Light Goods Vehicles and Motor Coach for a Period of 3 Years | R(C), V | 4.1.2008 (1 year) (Revoked on 4.7.2008) | 1, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 |

Approval Conditions

1. The submission and/or implementation of landscaping and/or tree preservation proposal.
2. The submission and implementation of drainage proposal or the provision of drainage facilities.
3. The provision of solid fencing along the northern boundary of the site.
4. No vehicles without valid licenses issued under the Traffic Regulations are allowed to be parked/stored on the site.
5. No container vehicle is allowed to be parked/stored on the site.
6. The submission and/or implementation of noise mitigation measure, sewage treatment and disposal proposal.
7. No night-time operation from 11:00 p.m. to 7:00 a.m. was allowed on the site.
8. No medium goods vehicle, heavy goods vehicle, construction vehicle or container vehicle was allowed to be parked or stored on the site.
9. Maintenance of the drainage facilities and/or landscape plating on site.
10. The provision of 9-litres water type/3kg dry power fire extinguisher(s).
11. No night-time operation from 9:00 p.m. to 7:30 a.m. was allowed on the site.
12. No vehicles other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes were allowed to be parked or stored on the site.
13. No repairing and workshop activities was allowed on the site.
14. The submission of a condition record of the existing drainage facilities.
15. Revocation clauses.
16. Reinstatement clause.

Rejected Applications

| | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Zoning</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Rejection Reasons</u> |
|----|-------------------------------|---|----------------------|---|---------------------------------|
| 1. | A/YL-LFS/3 | Temporary Public Lorry Park for 12 months | R(C), V | 17.2.1995 | 1, 2, 3, 4, 5 |
| 2. | A/YL-LFS/17 | Temporary Container Trailer and Tractor Park for a Period of 12 Months | R(C) | 22.8.1997 | 5, 6, 7 |
| 3. | A/YL-LFS/23 | Temporary container trailer and tractor park for a period of 12 months | R(C) | 26.6.1998 (On review) | 5, 8, 10 |
| 4. | A/YL-LFS/73 | Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Coaches and a Snack-bar for a Period of 3 Years | R(C), V | 16.11.2001 | 1, 2, 10 |
| 5. | A/YL-LFS/199 | Temporary Public Car Parking for Private Car and Light Goods Vehicle for a Period 3 Years | R(C) | 15.1.2010 | 7, 11 |

Rejection Reasons

1. The development is not in line with the planning intention of the "R(C)" zoning which is for low-rise, low-density residential development with ancillary facilities and the planning intention of the "V" zone which is for small house development by indigenous villagers. No strong justification has been submitted to merit a temporary departure from the planning intention.
2. The development is not compatible with the surrounding area which is predominantly rural in character mixed with some village settlements.
3. There is no proper vehicular access to the application site.
4. No landscaping proposals have been included in the submission to address the visual impact of the development on the surrounding areas.
5. The approval of the application will set an undesirable precedent for similar application which will lead to general environmental degradation of the area.
6. The development is not in line with the planning intention of the "Residential (Group C)" zone which is to facilitate future development for low-rise, low-density residential schemes with ancillary facilities. There is no strong justification in the submission for a departure from the planning intention even on a temporary basis.
7. There is insufficient information in the submission to demonstrate that the development will not create any adverse environmental impacts on the surrounding area. Also, the applicant have not proposed any measures to address the interface problems between the development and the nearby villages.
8. There is insufficient information in the submission to demonstrate that the development will not create any adverse environmental, drainage and traffic impacts on the surrounding area.
9. The subject development is not compatible with the adjoining village development, the nearest of which is less than 50 m away.
10. There is no information in the submission to demonstrate that the development would not have adverse drainage, sewerage and noise impacts on the surrounding area.
11. The application involved five previously revoked planning permissions due to non-compliance with the approval conditions. The applicant had not demonstrated any intention to comply with the approval conditions in the current submission.

**Similar s.16 Applications for Temporary Public Vehicle Park Uses
within the “R(C)” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

| | <u>Application No.</u> | <u>Proposed Use</u> | <u>Zoning</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</u> |
|----|-------------------------------|--|----------------------|---|---|
| 1. | A/YL-LFS/93 | Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years | R(C) | 11.10.2002 (Revoked on 2.5.2003) | 1, 2, 3, 4, 5, 17, 18 |
| 2. | A/YL-LFS/113 | Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles & Medium Goods Vehicles for a Period of 3 Years | R(C) | 14.11.2003 (On review) | 4, 5, 6, 7, 8, 9, 17, 18 |
| 3. | A/YL-LFS/151 | Renewal of Permission for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years | R(C) | 20.10.2006 | 4, 5, 6, 7, 10, 17, 18 |
| 4. | A/YL-LFS/195 | Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles under Application No. A/YL-LFS/151 for a Period of 3 Years | R(C) | 9.10.2009 | 3, 4, 5, 6, 7, 11, 12, 13, 14, 17, 18 |
| 5. | A/YL-LFS/245 | Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years | R(C) | 15.3.2013 | 1, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18 |
| 6. | A/YL-LFS/284 | Renewal of Planning Approval for Temporary "Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles" for a Period of 3 Years | R(C) | 19.2.2016 (Revoked on 16.8.2018) | 1, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16 |
| 7. | A/YL-LFS/333 | Proposed Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years | R(C) | 1.2.2019 | 1, 3, 4, 5, 6, 7, 13, 11, 14, 15, 16, 17, 18 |

Approval Conditions

1. The submission and implementation of the landscaping and tree preservation and proposal.
2. The submission of a drainage proposal and the provision of the drainage facilities.
3. The provision of fencing and/or paving of the site.
4. No vehicles without valid licenses issued under the Traffic Regulations are allowed to be parked/stored on the site.
5. No heavy goods vehicle (i.e. vehicle having a permitted gross vehicle weight exceeding 24 tonnes) or container vehicle is allowed to be parked/stored on the site.
6. No night time operation (i.e. 11:00p.m. and 7:00a.m.) was allowed on the site.

7. Maintenance of the existing drainage facilities or landscape planting on the site.
8. The submission and implementation of vehicular access arrangement proposal.
9. The implementation of the accepted environmental noise mitigation measures.
10. The provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office.
11. No repairing, dismantling or other workshop activity was allowed on the site.
12. The noise mitigation measures implemented previously should be adopted on the site.
13. The submission of condition record of the drainage facilities.
14. The submission and implementation of the fire services installations.
15. A notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle was allowed to be parked/stored on the site.
16. No vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed.
17. Revocation clauses.
18. Reinstatement clause.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the 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 the prior approval from her office. No permission is given for occupation of GL of about 164m² in area included at the Site. The act of occupation of GL without prior approval from her office is not allowed. The Site is accessible from Tin Wah Road through GL. Her office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularity 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications 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 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;
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces 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;
- (e) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to 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" (COP) issued by the Environmental Protection Department;
- (g) 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 service installations (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 FSI to be installed should be clearly marked on the layout

plans. 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;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application by the Board does not imply the approval of tree works (such as felling/transplanting or pruning) and/or requirements under lease. Tree works applications should be submitted direct to DLO for approval;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if 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 unauthorized building works (UBW) under the Building Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the 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 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) Regulations at the building plan submission stage; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such work/operation, the applicant should arrange its disposal properly at her own expenses. Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.