

Previous s.16 Applications Covering the Application Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/4	“U”	Car Park for Private Cars and Light Goods Vehicles	18.4.1997 (12 months)	(1), (8) & (16)
A/YL-PS/156	“U”	Temporary Flea Market (on Saturdays and Sundays only) for a Period of 3 Years	15.8.2003 (revoked on 15.2.2005)	(5), (6), (8) & (9)
A/YL-PS/165	“U”	Temporary Flea Market (on Saturdays and Sundays only) for a Period of 3 Years	21.11.2003 (revoked on 21.2.2005)	(5), (6), (8) & (9)
A/YL-PS/189	“U”	Temporary Flea Market (on Saturdays and Sundays only) for a Period of 3 Years	13.8.2004 (revoked on 13.2.2005)	(5), (6), (8) & (9)
A/YL-PS/237	“U”	Temporary Open-air Barbecue Area for a Period of 3 Years	22.9.2006 (TPB) (12 months)	(5), (6), (8), (9) & (12)
A/YL-PS/272	“U”	Temporary Open-air Barbecue Area for a Period of 3 Years	14.9.2007 (12 months) (revoked on 14.5.2008)	(5), (10), (11), (12), (13) & (17)
A/YL-PS/293	“U”	Temporary Public Vehicle Park for Private Cars and Light Vans for a Period of 3 Years	13.2.2009	(1), (2), (5), (8) to (12), (16), (18) to (20)
A/YL-PS/366	“V” & “OU(Heritage and Cultural Tourism Related Uses)” (“OU(HCTRU)”)	Temporary Public Vehicle Park for Private Car and Light Goods Vehicles a Period of 3 Years	10.2.2012	(2), (4), (5), (8), (9) to (12), (14) & (15)
A/YL-PS/468	“V” & “OU(HCTR)”	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	6.2.2015 (revoked on 11.11.2016)	(1), (3), (4) to (7), (8), (9) to (11), (13) to (15)
A/YL-PS/522	“V” & “OU(HCTRU)”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	12.8.2016	(1), (2), (4) to (8) to (12), (14) & (15)

Approval Conditions

- (1) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (2) No (medium or heavy goods vehicle) or parking of (goods) vehicles (exceeding) 5.5 tonnes (or more), (coaches, container vehicles), container tractors and/or trailers.
- (3) Only private cars (and light goods vehicles) are allowed to enter/be parked.
- (4) Posting notice at a prominent location to indicate the types of vehicle allowed to enter/be parked.
- (5) No night time operation/restriction on operation hours.
- (6) No vehicle washing/repairing/dismantling/paint spraying and other workshop uses/activities.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road.
- (8) Submission and/or implementation of the (accepted) tree preservation and/or landscape proposal(s).
- (9) Submission and/or implementation of the drainage proposal(s).
- (10) 9 Maintenance of (existing/implemented) drainage facilities.
- (11) 10 Submission of condition record of existing drainage facilities.
- (12) 11 Submission and/or implementation of fire services installations proposal or provision of fire service installations proposed.
- (13) 12 Provision of peripheral/boundary fencing.
- (14) 13 Maintenance of existing peripheral/boundary fencing.
- (15) 14 Revocation Clauses.
- (16) 15 Reinstatement Clause.
- (17) No public announcement system, portable loudspeaker or any form of audio amplification system.
- (18) Provision of warning notice and measures on pedestrian safety
- (19) No additional structure or advertisement signboard.
- (20) Provision of waterworks reserve

Rejected Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/171	“U”	Temporary Flea Market for a Period of 3 Years	4.6.2004 (TPB)	(1), (2)
A/YL-PS/215	“U”	Temporary Open-air Barbecue Area for a Period of 3 Years	10.6.2005	(2) to (4)
A/YL-PS/225	“U”	Temporary Open-air Barbecue Area for a Period of 3 Years	18.11.2005 (TPB)	(2) to (4)

- (1) The flea market, which involved an extension in area from the previously approved scheme and the time of operation, would adversely affect the immediate adjacent Tsui Sing Lau Pagoda, which is a declared monument
- (2) Insufficient information to demonstrate that the development would generate no adverse traffic, drainage and/or landscaping impacts on the surrounding areas
- (3) Not compatible with the surrounding developments
- (4) Undesirable precedent

Similar Applications within the same “V” zone

Approved Applications

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A/YL-PS/310	“V”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	6.11.2009	(1), (2), (5), (9), (12), (13), (16), (19), (22) & (23)
A/YL-PS/363	“V”	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	20.1.2012	(2), (4), (5), (9), (12), (13), (16), (17), (22) & (23)
A/YL-PS/382	“V”	Temporary Public Vehicle park for Private Cars and Light Goods Vehicles for a Period of 3 Years	15.6.2012	(1), (2), (4), (5), (8), (10), (11), (13), (15), (16), (22) & (23)
A/YL-PS/390	“V”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicles for a Period of 3 Years	21.9.2012	(1), (2), (4), (5), (8), (9), (12), (14) to (17), (22) & (23)
A/YL-PS/395	“V”	Renewal of Planning Approval for Temporary “Public Vehicle Park for Private Car and Light Goods Vehicle” for a Period of 3 Years	19.10.2012 (up to 6.11.2015)	(1), (2), (4) to (6), (8), (9), (14) to (16), (20) to (23)
A/YL-PS/410	“V”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	21.6.2013	(1), (2), (4) to (6), (9), (13), (14), (16), (20), (22) & (23)
A/YL-PS/425	“V”	Temporary Public Vehicle Park for Private Car and Light Van for a Period of 3 Years	13.12.2013	(1), (2), (4) to (6), (9), (13), (16), (17), (22) & (23)
A/YL-PS/452	“V”	Proposed Temporary Public Vehicle park for Private Cars for a Period of 3 Years	14.11.2014	(1), (3), (4) to (7), (9), (12), (14), (16), (17), (22) & (23)
A/YL-PS/466	“V”	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	16.1.2015 (up to 20.1.2018)	(1), (3), (4) to (7), (10), (14) to (16), (22) & (23)
A/YL-PS/479	“V”	Temporary Public Vehicle park (Private Cars and Light Goods Vehicle Only) for a Period of 3 Years	22.5.2015	(1), (3), (4) to (9), (13), (15), (16), (18), (22) & (23)

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A/YL-PS/489	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	8.1.2016	(1), (3), (4) to (9), (12), (14) to (17), (22) & (23)
A/YL-PS/492	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	8.4.2016	(1), (2), (4) to (7), (9), (12), (14), (16), (17), (22) & (23)
A/YL-PS/498	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	6.11.2015 (revoked on 6.8.2016)	(1), (3), (4) to (9), (14) to (17), (21) to (23)
A/YL-PS/516	“V”	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	22.4.2016	(1), (2), (4) to (7), (9), (12), (14), (16), (17), (22) & (23)
A/YL-PS/543	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	8.9.2017	(1), (2), (4) to (9), (14) to (17), (21), (22) & (23)
A/YL-PS/549	“V”	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	26.1.2018	(1), (2), (4) to (7), (10), (14) to (16), (18), (22) & (23)
A/YL-PS/553	“V”	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	2.3.2018 (revoked on 13.8.2018)	(1), (3), (4) to (8), (10), (14), (16), (17), (22) & (23)
A/YL-PS/554	“V”	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	2.3.2018	(1), (3), (4) to (7), (10), (14) to (16), (22) & (23)
A/YL-PS/561	“V”	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	6.7.2018	(1), (3), (4) to (7), (12), (14), (16), (17), (22) & (23)
A/YL-PS/562	“V”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	20.7.2018	(1), (2), (4) to (7), (10), (14) to (16), (18), (22) & (23)
A/YL-PS/583	“V”	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	22.3.2019	(1), (2), (4) to (7), (10), (14) to (16), (18) & (22)
A/YL-PS/585	“V”	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	17.5.2019	(1), (3), (4) to (9), (12), (14) to (17) & (22)
A/YL-PS/589	“V”, “CDA”, “R(B)1” & “R(E)2”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	19.7.2019	(1), (2), (4) to (7), (10), (15), (16), (18) & (22)

Approval Conditions

- (1) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (2) No (medium or heavy goods vehicle) or parking of (goods) vehicles (exceeding) 5.5 tonnes (or more), (coaches, container vehicles), container tractors and/or trailers.
- (3) Only private cars (and light goods vehicles) are allowed to enter/be parked.
- (4) Posting notice at a prominent location to indicate the types of vehicle allowed to enter/be parked.
- (5) No night time operation.
- (6) No vehicle washing/repairing/dismantling/paint spraying and other workshop uses/activities.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road.
- (8) Posting notice at a prominent location to remind drivers on pedestrian safety on access road.
- (9) Submission and/or implementation of the (accepted) tree preservation and/or landscape proposal(s).
- (10) Maintenance of (existing) landscape planting/vegetation/trees, including replacement of dead plants.
- (11) Submission of tree survey plan and schedule.
- (12) Submission and/or implementation of (accepted) drainage proposal/Drainage Impact Assessment/implementation of flood mitigation measures identified therein.
- (13) Provision of drainage facilities proposed.
- (14) Maintenance of (existing/implemented) drainage facilities.
- (15) Submission of condition record of existing drainage facilities.
- (16) Submission and/or implementation of fire services installations proposal or provision of fire service installations proposed.
- (17) Provision of peripheral/boundary fencing.
- (18) Maintenance of existing peripheral/boundary fencing.
- (19) Provision of paving and fencing.
- (20) Maintenance of (existing) paving and/or fencing.
- (21) A minimum of 3.5m set back from the northern, eastern and southern boundaries.
- (22) Revocation Clauses.
- (23) Reinstatement Clause.

Advisory Clauses

- (a) to resolve any land issues relating to the development with other owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) 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 the prior approval of the Government. No permission is given for occupation of government land (GL) included in the Site except STT No. 2631. Any occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularisation applications, LandsD will no longer accept application for regularisation of new or extension of unlawfully occupation of GL or erection of new structures which is found commenced on or after 28.3.2017. Within the Site, the following private lots are currently covered by Short Term Waivers (STWs) whereas portion of GL therein is covered by Short Term Tenancy (STT), details of which are listed below:

Lot No./GL in D.D. 122	STW/STT No.	Permitted Use
384	STW 3170	Private Residential Purpose
387 S.B RP	STW 3586	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles
390	STW 3587	
GL	STT 2631	Ancillary Use to Public Vehicle Park for Private Cars and Light Goods Vehicles

The Site is accessible from Tsui Sing Road via GL and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The STW/STT holder(s) 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 to permit the structures to be erected or regularise any irregularities on site, if any. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for formal approval prior to the actual occupation of the GL portion within STT. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 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 Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under TD'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 nearby public roads/drains. Currently,

only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that the approval of section 16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works. The applicant is reminded that there shall be no parking or storage of materials within 1m of any tree;
- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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 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 services requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, 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) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person 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 on 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; and
- (i) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP").