

Previous s.16 Applications covering the Application Site

Rejected Applications

No.	Application No.	Proposed Development	Date of Consideration by RNTPC	Rejection reasons
1.	A/YL-PH/258	Temporary Open Storage of Lorries Prior to Sale for 12 months	5.2.1999	(1), (2), (3), (4)
2.	A/YL-PH/778	Temporary Open Storage of Construction Material and Construction Equipment for a Period of 3 Years	4.5.2018	(1), (2), (4), (5)

Rejection reasons

- (1) The proposed development was not in line with the planning intention of the “V” zone. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis
- (2) The proposed development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that it was not compatible with the surroundings / there was no previous approval at the Site / there was adverse departmental comment against the development
- (3) No information had been given in the submission to demonstrate as to why a suitable site within the “Open Storage” zones could not be identified for the use under application
- (4) The approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the environment of the area
- (5) The applicant failed to demonstrate that the development would not generate environmental nuisance on the surrounding area



**Similar Applications within the same "V" zone of the Site
on the Pat Heung OZP**

Approved Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC/TPB	Approval Conditions
1	A/YL-PH/35	Proposed Public Car Park	12.1.1996 (approved on a temporary basis of 12 months)	(7), (8), (12), (13)
2	A/YL-PH/78	Public Car Park (39 parking spaces)	28.2.1997 (approved on a temporary basis of 5 years)	(1), (7), (8)
3	A/YL-PH/88	Public Car / Lorry Park	16.5.1997 (approved on a temporary basis of 3 years)	(1), (7), (8), (11)
4	A/YL-PH/149	Temporary Public Car Park for a Period of 12 Months	5.12.1997	(1), (2), (7), (8), (11), (14)
5	A/YL-PH/746	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	12.5.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
6	A/YL-PH/777	Proposed Temporary Covered Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	4.5.2018	(1), (2), (3), (4), (5), (7), (9), (10), (11), (15)
7	A/YL-PH/800	Proposed Temporary Private Car Park (excluding container vehicle) for a Period of 3 Years	18.1.2019	(1), (2), (3), (4), (5), (7), (9), (10), (15)

Approval Conditions

- (1) No vehicles without valid licenses issued under traffic regulations / the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance / no lorries and container vehicles are allowed
- (3) A notice should be posted to indicate that no medium or heavy goods vehicles are allowed
- (4) No vehicle is allowed to queue back to or reverse onto / from public road
- (5) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out
- (6) The provision of fencing on the site
- (7) Submission / implementation of drainage proposal / maintenance of implemented drainage facilities / submission of drainage impact assessment
- (8) Submission / implementation of landscape proposal
- (9) Submission / implementation of fire service installations proposal
- (10) Revocation of the planning approval if any planning condition is not complied with during the planning approval period / by the specified date
- (11) Reinstatement of the site upon expiration of the planning permission
- (12) Provision of a run in / out of 7m wide
- (13) Provision of site paving
- (14) Design and provision of vehicular access and car parking layout
- (15) Restriction on operation hours

Advisory Clauses

- (a) note DLO/YL, LandsD's comments 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. The lot owner(s) will need to apply to his office to permit the structure(s) to be erected or 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. Applications for any of the above will be considered by LandsD acting in the capacity as 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 LandsD;
- (b) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note CHE/NTW, HyD's comments that HyD is not / shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (d) 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" issued by the DEP;
- (e) note D of FS' comments 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;
- (f) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (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 the 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 Site under the BO. Before any new building works (including containers / open shed as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (g) note CE/C, WSD's comments that an existing 10m waterworks reserve will be affected (**Plan A-2** of the RNTPC paper). No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.