

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-PH/473	Temporary Carpark for a Period of 3 Years	27.8.2004 [revoked on 29.10.2004]	(1), (2), (3), (4), (5), (6), (7), (8), (9)
2	A/YL-PH/747	Temporary Public Vehicle Park for Private Car for a Period of 3 Years	28.7.2017 [revoked on 28.1.2019]	(2), (3), (5), (6), (8), (9), (10), (11), (12), (13), (14), (15)

Approval Conditions

- (1) Only Private cars were allowed to be parked
- (2) Restriction on operation hours
- (3) No vehicles without valid licenses issued under the Traffic Regulations / Road Traffic (Registration and Licensing of Vehicles) Regulations allowed
- (4) Submission / implementation of internal parking layout
- (5) Submission / implementation of landscape proposals
- (6) Submission / implementation of drainage proposal / provision of drainage facilities / maintenance of drainage facilities
- (7) Submission / provision of emergency vehicular access
- (8) If any of the planning conditions was not complied with by the specified time limit / during the planning approval period, the approval given shall cease to have effect and shall on the same date be revoked without further notice
- (9) Reinstatement of the application site upon expiry of the planning permission
- (10) No medium or heavy goods vehicles exceeding 5.5 tonnes allowed
- (11) Posting of a notice to indicate no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed
- (12) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out
- (13) Maintenance of boundary fence
- (14) No vehicle is allowed to queue back to or reverse onto / from public road
- (15) Submission of fire service installation proposal / provision of fire service installation

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Main Rejection Reasons</u>
1	A/YL-PH/486	Temporary Open Storage of Vehicles and Sale of Second-hand Cars for a Period of 3 Years	14.1.2005	(1), (2), (3)
2	A/YL-PH/493	Temporary Sale of Second-hand Cars for a Period of 3 Years	24.6.2005	(1), (3), (4)

Main Rejection Reasons

- (1) The development was not in line with the planning intention of the “Village Type Development” zone, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) The development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that there was no previous approval for open storage use at the site and that it was not compatible with the residential dwellings in the vicinity.
- (3) There was insufficient information in the submission to demonstrate that an acceptable vehicular access would be provided to the site / that the development would not have adverse drainage / environmental impacts on the surrounding areas.
- (4) The development was not compatible with the surrounding land uses which was generally residential in character with village settlements to the south, south-west and north-west of the site.

**Similar Applications for Shop and Services within the Same “V” Zone
on the Pat Heung Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition (s)</u>
1	A/YL-PH/761	Proposed Temporary Shop and Services (Pet Clinic) for a Period of 3 Years	8.12.2017 [revoked on 8.5.2020]	(1), (2), (3), (4), (5), (6), (7), (8)
2	A/YL-PH/818	Proposed Temporary Shop and Services with Ancillary Staff Canteen for a Period of 5 Years	3.1.2020	(1), (4), (5), (6), (7)

Approval conditions

- (1) Restriction on operation hours
- (2) No overnight stay of animals on-site
- (3) No medium or heavy goods vehicles exceeding 5.5 tonnes allowed
- (4) No vehicle is allowed to queue back to or reverse onto / from public road
- (5) Submission / implementation of drainage proposal / maintenance of implemented drainage facilities
- (6) Submission / implementation of fire service installations proposal
- (7) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (8) Reinstatement of the site to an amenity area



**Detailed comments on the submitted drainage proposal
by Chief Engineer / Mainland North, Drainage Services Department**

1. The invert levels of the proposed catchpits should be provided for reference;
2. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
3. From the existing ground level information, it appears that the lot would interrupt runoff from the neighbouring area in the north and the west of the lot. Please review the catchment and the drainage adequacy of the peripheral channel;
4. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit;
5. Consideration should be given to provide grating for the surface channels;
6. Sand trap or provisions alike should be provided before the collected runoff is discharged to the public drainage facilities;
7. Where walls or hoarding are erected and laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site;
8. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
9. The applicant should consult DLO/YL, 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.



Advisory clauses

- (a) note DLO/YL'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 the LandsD;
- (b) note CHE/NTW, HyD's comments that HyD is not / shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provide at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (c) adopt environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (d) note CE/MN, DSD's comments on the submitted drainage proposal that the invert levels of the proposed catchpits should be provided for reference. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. From the existing ground level information, it appears that the lot would interrupt runoff from the neighbouring area in the north and the west of the lot. Please review the catchment and the drainage adequacy of the peripheral channel. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Consideration should be given to provide grating for the surface channels. Sand trap or provisions alike should be provided before the collected runoff is discharged to the public drainage facilities. 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, 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;
- (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. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service

requirements will be formulated upon receipt of formal submission of general building plans; and

- (f) note CBS/NTW, BD's comments that that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorised 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 the BD to effect their removal in accordance with the prevailing 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they 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 (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.