

Previous s.16 Applications covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-PH/240	Temporary Open Storage of Construction Materials (Iron Frames) for a Period of 12 Months	13.11.1998	(1), (2), (4), (5), (6)
2.	A/YL-PH/491	Temporary Open Storage of Excavators and Loaders for a Period of 2 Years	10.6.2005 16.9.2005 (on review)	(3), (5)
3.	A/YL-PH/515	Temporary Open Storage of Excavators and Bulldozers for Sale for a Period of 2 Years	7.4.2006 25.8.2006 (on review)	(1), (3), (5)
4.	A/YL-PH/684	Temporary Open Storage of Vehicles for Sale for a Period of 3 Years	4.4.2014	(1), (3), (4), (5)
5.	A/YL-PH/704	Temporary Open Storage of Plastic Barriers and Pipes for Public Utility Purposes for a Period of 2 Years	31.10.2014	(1), (3), (4), (5)
6.	A/YL-PH/760	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	8.12.2017 23.3.2018 (on review) (dismissed by Appeal Board on 13.3.2019)	(1), (3), (4), (5)

Rejection Reasons

- (1) The development was not in line with the planning intention of the “R(D)” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development was not compatible with the nearby village houses.
- (3) The application did not comply with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-Up Uses under Section 16 of the Town Planning Ordinance in that no previous approval had been granted at the site, and there were

adverse departmental comments and/or the development was not compatible with the surrounding land uses which were predominated by residential structures / dwellings and agricultural land.

- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- (5) The applicant fails to demonstrate that the development would not generate adverse environmental and/ or drainage impacts on the surrounding areas.
- (6) There is insufficient information to demonstrate that a proper vehicular access road could be provided to connect the site with Fan Kam Road.

**Similar Applications within the same “R(D)” zone of the Site
on Pat Heung OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-PH/150	Temporary Public Car Park for a Period of 12 Months	5.12.1997	(1), (2), (3), (4), (5), (6)
2.	A/YL-PH/385	Proposed Public Car Park	2.12.2001 (for a period of 3 years) [revoked on 21.6.2002]	(2), (4), (5), (6), (7), (8)
3.	A/YL-PH/413	Proposed Public Car Park	25.10.2002 (for a period of 3 years) [revoked on 10.12.2002]	(2), (4), (5), (6), (8)
4.	A/YL-PH/501	Proposed Temporary Public Car Park for a Period of 3 Years	29.7.2005	(1), (2), (4), (5), (6), (8), (9), (10)
5.	A/YL-PH/604	Temporary Public Car Park for a Period of 3 Years	29.1.2010	(1), (2), (4), (5), (6), (8), (10), (11), (12)
6.	A/YL-PH/661	Temporary Public Car Park for a Period of 3 Years	15.3.2013 [revoked on 15.9.2013]	(1), (2), (4), (5), (6), (8), (10), (12), (13), (14), (15)
7.	A/YL-PH/702	Proposed Temporary Public Car Park for a Period of 3 Years	31.10.2014	(1), (2), (4), (5), (6), (8), (10), (12), (13), (15)
8.	A/YL-PH/725	Proposed Temporary Public Car Park for a Period of 3 Years	5.2.2016 [revoked on 5.5.2016]	(1), (2), (4), (5), (8), (12), (14), (16), (17)
9.	A/YL-PH/745	Proposed Temporary Public Car Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	28.7.2017 [revoked on 28.8.2019]	(1), (2), (4), (5), (6), (8), (12), (13), (14), (17)

Approval Conditions

- (1) No vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the site.
- (2) No lorries/ tractor/ container vehicles/ trailers/ medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) were allowed to be parked/stored on the site.
- (3) Design and provision of vehicular access.
- (4) Submission / implementation of landscape proposal / tree preservation proposals / maintenance of existing landscape plantings.
- (5) Submission / provision of drainage facilities / implementation of drainage proposal / maintenance of drainage facilities.
- (6) Reinstatement of the site to amenity area upon expiry of the planning permission.
- (7) Submission / implementation of environmental mitigation measures.
- (8) Revocation of the planning permission if any planning conditions are not complied with any time during the planning approval period / by the specific date.
- (9) No vehicle repair activities.
- (10) Submission / implementation of fire service installations proposal.
- (11) Restriction on operation hours.
- (12) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities.
- (13) Posting of notice at a prominent location to indicate no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed.
- (14) No reversing of vehicles into or out from the site / no vehicle is allowed to queue back or reverse onto / from public road at any time.
- (15) Submission of records of existing drainage facilities.
- (16) No operation shall commence prior to provision / implementation of natural terrain hazard mitigation measures.
- (17) Provision of boundary fencing.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-PH/4*	Temporary Lorry / Coach Park for 12 Months	2.12.1994	(1), (2), (3), (4), (5)
2.	A/YL-PH/13	Temporary Private Car and Lorry Carpark and Open Storage of Vehicle Part for 12 Months	19.5.1995	(1), (5), (6), (7)
3.	A/YL-PH/439	Temporary Private Car, Lorry & Tractor Park for a Period of 3 Years	25.7.2003 28.11.2003 [on review]	(1), (3), (6)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
4.	A/YL-PH/524	Temporary Lorry Park and Fixing of Lorry Company Name on Lorries for a Period of 3 Years	16.6.2006	(1), (3)
5.	A/YL-PH/529	Proposed Temporary Vehicle Park for Heavy Vehicles (including Container Vehicles) for a Period of 3 Years	3.11.2006	(1), (2), (6)
6.	A/YL-PH/819*	Proposed Temporary Public Vehicle Park for Medium Container Vehicles for a Period of 3 Years	1.11.2019	(1), (2), (5)
7.	A/YL-PH/836	Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years	15.5.2020	(1)

*Straddles the “R(D)” and adjacent “AGR” zone

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “R(D)” zone. No strong justifications have been submitted to justify a departure from the planning intention.
- (2) The proposed development does not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ as it is not compatible with the nearby residential developments / in that the site did not have previous planning approvals / adverse departmental comments were received / no relevant technical assessments or proposals were submitted to demonstrate the proposed development would not generate adverse environmental, drainage, traffic and landscape impacts on the surrounding area.
- (3) There is insufficient information to demonstrate that the development will not cause environmental / drainage / landscape impact on the surrounding areas.
- (4) There is insufficient information on the vehicular access to the site.
- (5) Approval of the application will set undesirable precedents for other applications which will lead to a general degradation of the area.
- (6) The proposed development is not compatible with the nearby residential developments / agricultural activities.
- (7) No detailed landscape proposal has been included in the submission.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments 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 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 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 shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and 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 CBS/NTW, BD's comments that 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 Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person 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 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. 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 the Regulation 19(3) of the B(P)R at the building plan submission stage.

- (f) note D of FS's 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. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) note CE/C, WSD' comments that the proposed development encroaches onto an existing 10m wide waterworks reserve (WWR) (**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 and all other services across, through or under the waterworks reserve are required to seek prior 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.