

**Appendix II of RNTPC  
Paper No. A/YL-PH/862**

**Previous S.16 Applications covering the Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-PH/385	Proposed Pubic Car Park	21.12.2001 (for a period of 3 years)  [revoked on 21.6.2002]	(2), (3), (4), (5), (6), (7)
2	A/YL-PH/413	Proposed Public Car Park	25.10.2002 (for a period of 3 years)  [revoked on 10.12.2002]	(2), (3), (4), (5), (7)
3	A/YL-PH/501	Proposed Temporary Public Car Park for a Period of 3 Years	29.7.2005	(1), (2), (3), (4), (5), (7), (8), (9)
4	A/YL-PH/604	Temporary Public Car Park for a Period of 3 Years	29.1.2010	(1), (2), (3), (4), (5), (7), (9), (10), (11)
5	A/YL-PH/661	Temporary Public Car Park for a Period of 3 Years	15.3.2013  [revoked on 15.9.2013]	(1), (2), (3), (4), (5), (7), (9), (11), (12), (13), (14)
6	A/YL-PH/702	Proposed Temporary Public Car Park for a Period of 3 Years	31.10.2014	(1), (2), (3), (4), (5), (7), (9), (11), (12), (14)

Approval Conditions

- (1) No vehicles without valid licenses (issued under the Road Traffic Ordinance / Traffic Regulations / Road Traffic Regulations) are allowed
- (2) No lorries / tractors / container vehicles / trailers / medium or heavy vehicles (exceeding 5.5 tonnes) are allowed
- (3) Submission / implementation of landscaping proposals / tree preservation proposals / maintenance of existing landscape plantings
- (4) Submission / provision of drainage facilities / implementation of drainage proposal / maintenance of drainage facilities
- (5) Reinstatement of the site to amenity area upon expiry of the planning permission
- (6) Submission / implementation of environmental mitigation measures
- (7) Revocation of the planning permission if any planning conditions are not complied with any time during the planning approval period / by the specified date
- (8) No vehicle repair activities
- (9) Submission / implementation of fire service installation proposals
- (10) Restriction on operation hours
- (11) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (12) Posting of notice at a prominent location to indicate no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed
- (13) 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
- (14) Submission of records of existing drainage facilities

### Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration</u> <u>(RNTPC)</u>	<u>Approval</u> <u>Condition(s)</u>
1	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), (5)
2	A/YL-PH/552	Temporary Open Storage of Recyclable Metal for a Period of 3 Years	14.12.2007  14.3.2008 [on review]	(1), (2), (3), (5)
3	A/YL-PH/695	Temporary Open Storage (Recycled Metals) with Ancillary Office for a Period of 3 Years	8.8.2014	(1), (2), (3), (4), (5)
4	A/YL-PH/722	Temporary Open Storage (Scrap Metal) for a Period of 3 Years	8.1.2016  15.4.2016 [on review]	(1), (2), (3), (4), (5)

### 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, even on a temporary basis.
- (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” in that the site did not have previous planning approvals / adverse departmental comments were received.
- (3) There is insufficient information to demonstrate that the development will not cause environmental / drainage impact on the surrounding areas.
- (4) Approval of the application will set undesirable precedents for other applications which will lead to a general degradation of the area.
- (5) The proposed development is not compatible with the nearby residential developments / agricultural activities.



**Similar Applications within the same “R(D)” Zone on the Pat Heung Outline Zoning Plan**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
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/725	Proposed Temporary Public Car Park for a Period of 3 Years	5.2.2016 [revoked on 5.5.2016]	(1), (2), (4), (5), (7), (8), (10), (11), (12)
3.	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), (7), (8), (9), (11), (12)
4.	A/YL-PH/849	Proposed Temporary Public Vehicle Park (Private Cars Only) with Ancillary Site Office for a Period of 3 Years	4.9.2020	(1), (2), (5), (7), (9), (10), (13)
5	A/YL-PH/852	Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years	18.9.2020	(1), (2), (5), (7), (9), (10), (13)

**Approval Conditions**

- (1) No vehicles without valid licenses (issued under the Road Traffic Ordinance / Traffic Regulations / Road Traffic Regulations) are allowed
- (2) No lorries / tractors / container vehicles / trailers / medium or heavy vehicles (exceeding 5.5 tonnes) are allowed
- (3) Design and provision of vehicular access
- (4) Submission / implementation of landscaping proposals / 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) Revocation of the planning permission if any planning conditions are not complied with any time during the planning approval period / by the specified date
- (8) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (9) Posting of notice at a prominent location to indicate no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed
- (10) 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

- (11) No operation shall commence prior to provision / implementation of natural terrain hazard mitigation measures
- (12) Provision of boundary fencing
- (13) Submission / implementation of fire service installations proposal

### **Rejected Applications**

<b>No.</b>	<b>Application No.</b>	<b>Proposed Use(s)/Development(s)</b>	<b>Date of Consideration by RNTPC/TPB</b>	<b>Rejection Reasons</b>
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 Parts for 12 Months	19.5.1995	(1), (5), (6), (7)
3	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)
4	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)
5	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)
6	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 areas

- (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 landscaping proposal has been included in the submission

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

1. The cover levels and invert levels of the proposed u-channels, catchpits / sand traps should be shown on the drainage plan.
2. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
3. Please indicate the general overland flow pattern at the area outside and abutting the Site. Please also provide the same at the area within the Site.
4. Please show how the existing watercourse at eastern side will be protected and not be adversely affected by the proposed works, considering how the overland flow from the west of the Site could be maintained across the Site, and include measure(s) to show how the flow paths of overland flow from and / or across the Site could be intercepted and disposed of properly without inducing adverse drainage impact to both the surrounding areas and in the Site.
5. Sand trap or provisions alike should be provided before the collected runoff is discharged to the public drainage facilities.
6. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit / sand trap.
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.
9. The applicant should consult DLO/YL of LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works.



**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 STW holder(s) will need to apply to his office for modification of the STW 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 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 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 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 DAFC's comments that there is a watercourse to the east of the Site. The applicant is advised to adopt necessary measures to prevent polluting and disturbing the watercourse during operation;
- (f) note CE/MN, DSD's comments on the submitted drainage proposal that the cover levels and invert levels of the proposed u-channels, catchpits / sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. Please indicate the general overland flow pattern at the area outside and abutting the Site. Please also provide the same at the area within the Site. Please show how the existing watercourse at eastern side will be protected and not be adversely affected by the proposed works, considering how the overland flow from the west of the Site could be maintained across the Site, and include measure(s) to show how the flow paths of overland flow from and / or across the Site could be intercepted and disposed of properly without inducing adverse drainage impact to both the surrounding areas and the Site. Sand trap or provisions alike should be provided before the collected runoff is discharged to the

public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit / sand trap. 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. 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 of LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works;

- (g) note CBS/NTW, BD's comments 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 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 sheds as temporary buildings, demolition and land filling etc.) 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 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. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered temporary buildings and are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage; and
- (h) note D of FS's comments that the installation / maintenance / modification / repair work of the Fire Service Installations (FSI) shall be undertaken by a Registered Fire Service Installation Contactor (RFSIC). The RFSIC shall after completion of the installation / maintenance / modification / repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to his department.