

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	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), (3), (4), (5), (6), (7), (8), (9), (10)

Approval Conditions

- (1) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the site
- (2) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed to be parked/stored on or enter/exit the site
- (3) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site
- (4) no reversing of vehicles into or out from the site is allowed
- (5) no operation shall commence on the site prior to the provision of natural terrain hazard mitigation measures, including the submission of an as-built record
- (6) the natural terrain hazard mitigation measures implemented on the site shall be maintained
- (7) provision of boundary fencing
- (8) submission and implementation of drainage proposal
- (9) submission and implementation of landscape and tree preservation proposal
- (10) If any of the planning conditions was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice/if any of the planning conditions was not complied with by the specified time limit, the approval given shall cease to have effect and shall on the same date be revoked without further notice.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Rejection Reasons</u>
1	A/YL-PH/479	Proposed Temporary Open Storage of Vehicles for a Period of 3 Years	22.4.2005 (upon review)	(1), (2), (3)
2	A/YL-PH/537	Temporary Open Storage of Construction Machinery for a Period of 3 Years	23.2.2007	(1), (2), (3), (4)

Main Rejection Reasons

- (1) The development was not in line with the planning intention of the "Residential (Group D)" zone, which was to improve and to upgrade the existing temporary domestic accommodations and to cater for low-rise and low-density residential developments. No strong justification had been provided in the submission for a departure from the planning intention, even on a

temporary basis. The proposed development was not compatible with the residential land use in the immediate vicinity;

- (2) There was insufficient information/technical assessments in the submission to demonstrate that the development would not have adverse landscape/visual/drainage/environmental impacts on the surrounding areas.
- (3) The development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site did not have any previous planning approval for similar open storage uses, and there were local objection to and adverse departmental comments on the application.
- (4) Approval of the application would set an undesirable precedent for similar application to proliferate further into the area.

**Appendix III of RNTPC
Paper No. A/YL-PH/780A**

**Detailed Comments of the Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

- (i) Since the Site is close to the “CA” zone, an effective tree buffer of double row tree planting in staggered pattern should be provided along the southern boundary interface with the natural stream.
- (ii) Drainage provision and/or manoeuvre path of vehicles shall be indicated on plan to demonstrate the suitability of tree planting locations. Please be reminded that min. 1m clearance from the trees to drainage channels should be maintained.
- (iii) Nothing the proposed vehicular access to the Site will be via the adjacent Site, access arrangement from relevant administrative party should be sought.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled 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 Site is accessible to Fan Kam Road via Government Land (GL) and private land. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) 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 LandsD;

- (a) note C for T's comments that the Site is connected to the public road network via a section of local access road which is not managed by TD. 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;

- (b) note CHE/NTW, HyD's comments that his department is not/ shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Fan Kam Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (c) note DEP's comments to follow relevant mitigation measures and requirements in the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize any potential environmental nuisance. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site. Adequate supporting infrastructure / facilities should be provided for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used, its design and construction shall follow the requirements of EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";

- (d) note CTP/UD&L of PlanD's comments that since the Site is close to the "CA" zone, an effective tree buffer of double row tree planting in staggered pattern should be provided along the southern boundary interface with the natural stream. Drainage provision and/or manoeuvre path of vehicles shall be indicated on plan to demonstrate the suitability of tree planting locations. Please be reminded that min. 1m clearance from the trees to drainage channels should be maintained. Nothing the proposed

- vehicular access to the Site will be via the adjacent Site, access arrangement from relevant administrative party should be sought;
- (e) 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 FSIs 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 (BO)(Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
 - (f) note CBS/NTW, BD's comments that 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 the BD should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person (AP) 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 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. 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;
 - (g) note DAFC's comments that there is a natural stream along the south-eastern boundary of the Site. The applicant shall be advised to adopt precautionary measures to avoid disturbance and pollution to the natural stream;
 - (h) note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence / permit issued by FEHD is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and

- (i) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/ or overhead line within and/ or in the vicinity of the concerned Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

