

Previous Applications covering the Application Site

Approved Applications

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-LYT/352	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	9.3.2007	A1 – A3
A/NE-LYT/414	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	5.3.2010	A2 – A5
A/NE-LYT/495	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles under Application No. A/NE-LYT/414 for a Period of 3 Years	25.1.2013 (Revoked on 6.6.2014)	A2, A3, A5 & A6
A/NE-LYT/556	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	2.1.2015	A3, A7 - A12

Approval Conditions:

- A1 The submission and the implementation of proposals for vehicular access, parking and manoeuvring spaces
- A2 The submission and the implementation of drainage proposals
- A3 Revocation clause
- A4 The existing trees within the application site should be maintained
- A5 The existing vehicular access, parking and manoeuvring spaces within the application site should be maintained
- A6 The submission and the implementation of landscape and tree preservation proposal
- A7 No operation between 8:00 p.m. and 8:00 a.m. was allowed
- A8 No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site

- A9 The maintenance of the drainage facilities
- A10 The submission of proposals for water supplies for fire-fighting and fire service installations
- A11 The provision of water supplies for fire-fighting and fire service installations
- A12 The submission and the implementation of landscape proposal

**Similar Applications within/partly within the “AGR” Zone
in the vicinity of the Site on the Approved Lung Yeuk Tau and Kwan Tei South
Outline Zoning Plan No. S/NE-LYT/17**

Approved Application

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-LYT/586	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years	13.5.2016	A1 - A13

Approval Conditions

- A1 No operation between 9:00 p.m. and 7:00 a.m. was allowed
- A2 No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be parked/stored on the site
- A3 No heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A4 A notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A5 No car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the site
- A6 The provision of boundary fencing on the site
- A7 The submission and the implementation of tree preservation and landscape proposals
- A8 The submission of a drainage proposal
- A9 The provision of drainage facilities
- A10 The submission of proposals for water supplies for fire-fighting and fire service installations
- A11 The provision of water supplies for fire-fighting and fire service installations
- A12 Revocation clause
- A13 Reinstatement clause

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-LYT/384	Temporary Public Vehicle Park for Private Cars for a Period of 2 Years	17.4.2009	R1 - R3
A/NE-LYT/392	Proposed Public Vehicle Park for Private Cars and Lorries and Open Storage of Building Materials for a Period of 3 Years	5.6.2009	R4 - R7

Rejection Reasons

- R1 The application site fell within an area zoned “Agriculture” (“AGR”) on the approved Outline Zoning Plan. The proposed development was not in line with the planning intention of the “AGR” zone for the area which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention even on a temporary basis
- R2 There was insufficient information in the submission that the proposed development would not cause adverse traffic impact on the surrounding areas
- R3 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 area
- R4 The application site fell within an area mainly zoned “Green Belt” (“GB”) on the approved Outline Zoning Plan. The proposed development was not in line with the planning intentions of the “GB” zone which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. In addition, the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation and other agricultural purposes. The submission was not justifiable for a departure from the planning intentions, even on a temporary basis
- R5 The application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there was no exceptional circumstances in the submission to warrant approval of the application. There was no previous planning approval granted to the application site and there were adverse departmental comments and local objections against the application

- R6 The proposed use would generate adverse environmental and landscape impacts on the surrounding areas
- R7 The approval of the application would set an undesirable precedent for other similar applications within “GB” and “AGR” zones. The cumulative impact of approving such similar applications would result in adverse environmental and landscape impacts on the area

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Office/North of Lands Department (LandsD) that:
- (i) the occupation boundary of the existing site does not tally with the one of the Site. Portions of Government land adjoining the lot have been occupied and some fencings have been extended from the lot to the nearby Government Land Licence (GLL) T2890 which is for cultivation purpose. His office reserves the right to take necessary land control actions against the above irregularities; and
 - (ii) if the planning application is approved, the applicant shall apply to his office for a Short Term Tenancy (STT). The application for STT will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STT is approved, the commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of rent and administration fees as considered appropriate by his office. The applicant also has to settle the fencing extension with the GLL tenant by himself.
- (b) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that there is no proper run-in/out for the Site. The applicant is advised that he should be responsible for constructing a run-in/out at his own cost and to the satisfaction of HyD. Upon the expiry of the temporary planning permission, the applicant is also required to reinstate the run-in/out at his own cost to its original state to the satisfaction of HyD.
- (c) to note the comment of the Director of Environmental Protection that:
- (i) the applicant is advised to 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 (COP) " issued by the Environmental Protection Department; and
 - (ii) regarding the Tan Shan River in the proximity of the Site, the applicant should be reminded to follow relevant environmental measures in Annex I of the COP and to strictly observe the Water Pollution Control Ordinance to avoid pollution to the watercourse.
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD):
- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers / open sheds as

temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) 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;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (b) above, 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)Rs) respectively; and
 - (vi) if the Site does not abut 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)Rs at the building plan submission stage.
- (e) to note the comments of the Director of Fire Services that:
- (i) EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that some trees especially those along the southeastern boundary of the Site are smothered by wild climbers and removal of climbers is necessary. The applicant should step up the routine tree maintenance works to establish healthy tree growth.