

Previous S.16 Application

Approved Application

Application No.	Proposed 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 - A12

Approved 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
- A6 The provision of boundary fencing on the site
- A7 The submission and 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 and provision of water supplies for fire-fighting and fire service installations
- A11 Revocation clause
- A12 Reinstatement clause

**Similar S.16 Applications for Public Vehicle Park
in the vicinity of the application site within/partly within “Agriculture” zone in the
Lung Yeuk Tau and Kwan Tei South Area**

Approved Applications

<u>Application No.</u>	<u>Uses/ Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
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	A1 - A4
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)	A1, A2, A4 & A5
A/NE-LYT/556*	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	2.1.2015	A2, A6 - A10
A/NE-LYT/645*	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	20.7.2018	A2, A6 - A8, A11 - A13

Remarks:

*A/NE-LYT/414, 495, 556 and 645 are the same site.

Approval Conditions:

- A1 The submission and the implementation of drainage proposals
- A2 Revocation clause
- A3 The existing trees within the application site should be maintained
- A4 The existing vehicular access, parking and manoeuvring spaces within the application site should be maintained
- A5 The submission and the implementation of landscape and tree preservation proposal
- A6 No operation between 8:00 p.m. and 8:00 a.m. was allowed

- A7 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
- A8 The maintenance of the drainage facilities
- A9 The submission of proposals and provision of water supplies for fire-fighting and fire service installations
- A10 The submission and the implementation of landscape proposal
- A11 The existing trees on the site shall be maintained in proper and healthy condition
- A12 The submission of a condition record of the existing drainage facilities
- A13 The submission and implementation of a fire service installations and water supplies for firefighting proposal

Rejected Applications

<u>Application No.</u>	<u>Uses/ Development</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
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	R1 - R4

Reasons for Rejection

- R1 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.
- R2 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.
- R3 The proposed use would generate adverse environmental and landscape impacts on the surrounding areas.
- R4 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 DLO/N, LandsD as follows:
- (i) the Site comprises private lots which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of vehicular access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicle access of the applied use;
 - (ii) Modification of Tenancy (MOT) No. 36513 in respect of Lot 1490 in D.D. 76 was issued for erection of temporary structures for the purposes of dwelling and shade. The dimensions and users of the existing structures erected at the Site may not tally with those permitted under the conditions of the MOT. Besides, the Government land within the Site is being occupied without prior approval from his office. His office reserves the right to take enforcement actions against the structures concerned and the unauthorized occupation of Government land; and
 - (iii) if the planning application is approved, the owner of the lots concerned shall apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT). The applications for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (b) to note comments of CHE/NTE, HyD as follows:
- (i) the run-in/out should be constructed according to H1114A, H5133A, H5134A and H5135A. Upon expiry of the planning approval, the applicant is required to reinstate the run-in/out to its original state; and
 - (ii) the section of cycle track on the run-in/out should also be resurfaced to 75mm in thickness according to H1104C;
- (c) to note comments of DAFC that the Site is adjacent to Tan Shan River to the east. The applicant should be reminded to perform good site practice so as not to pollute the watercourse nearby;
- (d) to note the comments of D of FS as follows:
- (i) in consideration of the design/ nature of the applied use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;

- (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the CTP/UD&L, PlanD as follows:
- (i) the applicant should be advised to properly maintain all existing trees and vegetation within the Site at all times during the planning approval period;
 - (ii) the approval of the application does not imply approval of tree works such as pruning, transplanting and felling under the lease. Tree removal applications should be submitted direct to DLO/N, LandsD for approval; and
 - (iii) to refer to the following materials published by the Development Bureau for general tree maintenance and tree risk management:
 - i. Pictorial Guide for Tree Maintenance:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf;
 - ii. Handbook on tree Management:
http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html;
 - iii. Tree Risk Assessment and Management Arrangement:
http://www.greening.gov.hk/tc/tree_care/tra_arrangements.html;
 - iv. Minimising Tree Risks:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_leaflet_Big_font_size_v1_2012_03_29.pdf; and
 - v. Pictorial Guide for Tree Maintenance to Reduce Tree Risks:
[http://www/greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www/greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (f) to note the comments of the CBS/NTW, BD as follows:
- (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under this application;
 - (ii) before any new building works (including temporary buildings/structures and containers etc.) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised 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) 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;
 - (v) 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; and
 - (vi) detailed comments under the BO will be provided at building plan submission stage; and
- (g) the applicant should follow the 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 the Director of Environmental Protection in order to minimise any possible environmental nuisances.