

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

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-LYT/414* ¹	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* ¹	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* ¹	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/586* ²	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years	13.5.2016	A2, A5, A9, A11 - A18
A/NE-LYT/645* ¹	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	20.7.2018	A2, A6 - A7, A19 - A21 & A23
A/NE-LYT/691* ²	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Car, Light Goods Vehicle and Medium Goods Vehicle) for a Period of 3 Years	3.5.2019	A2, A9, A11 - A15, A18, A22 - A24

Remarks

*¹: A/NE-LYT/414, A/NE-LYT/495, A/NE-LYT/556 and A/NE-LYT/645 are the same site.

*²: A/NE-LYT/586 and A/NE-LYT/691 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 No operation between 9:00 p.m. and 7:00 a.m. was allowed
- A12 No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be parked/stored on or enter/exit the site
- A13 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
- A14 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
- A15 No car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the site
- A16 The provision of boundary fencing on the site
- A17 The submission of drainage proposal and provision of drainage facilities
- A18 Reinstatement clause
- A19 The existing trees on the site shall be maintained in proper and healthy condition
- A20 The submission of a condition record of the existing drainage facilities
- A21 The submission and implementation of a fire service installations and water supplies for

firefighting proposal

- A22 The boundary fence on the site should be maintained
- A23 The existing drainage facilities should be maintained
- A24 The submission and implementation of a run-in/out proposal

Rejected Application

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-LYT/699	Proposed Temporary Public Vehicle Park (Private Car) for a Period of 3 Years	19.7.2019	R1 & R2

Rejection Reasons

- R1 The application was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification to merit a departure from the planning intention, even on a temporary basis.
- R2 The applicant failed to demonstrate in the submission that the development would not cause adverse traffic impact on the surrounding areas.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department that the lots under application are Old Schedule Lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make his own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the use. If the application is approved, the owner(s) of the lots concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by government in its landlord's capacity and there is no guarantee that it will be approved. If the STW application is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (b) to note the comments of the Commissioner for Transport that the vehicular access between the Site and Sha Tau Kok Road – Ma Mei Ha is not managed by Transport Department. The applicant should seek comment from the responsible party;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the road leading to the access is not maintained by Highways Department;
- (d) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP in order to minimize any possible environmental nuisances;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the Site is in an area where no public sewerage connection is available;
- (f) to note that comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the comments of the Director of Fire Services as follows:
 - (i) in consideration of the design/ nature of the proposed 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;

- (h) to note the comments of the Chief Building Surveyor/ New Territories West, Buildings Department as follows:
- (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) any temporary shelters or converted containers for storage/washroom/first-aid room/site office, if any, are considered as temporary buildings are subject to control under Building (Planning) Regulations (B(P)R) Pt. VII;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D;
 - (iv) if the Site is not abutting on a specified street having a width not less than 4.5m wide, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and
 - (v) formal submission under the BO is required for any proposed new works, including any temporary structures, if any. Detailed comments under BO will be provided at building plan submission stage.