

**Similar S.16 Application for Temporary Car Park
partly within the “Recreation” or “Village Type Development” zone in the vicinity
of the application site
in the Ta Kwu Ling North Area**

Approved Application

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-TKLN/8	Temporary Staff Car Park and Site Office for Public Works for a Period of 3 Years	4.5.2018	A1 - A15

Approval Conditions

- A1 No operation between 6:00 p.m. and 7:30 a.m. was allowed
- A2 No operation on Sundays and public holidays was allowed
- A3 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
- A4 No medium and heavy goods vehicle exceeding 5.5 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 A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on or enter/exit the site
- A6 No car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the site
- A7 All vehicles entering and exiting the site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00 a.m. to 4:00 p.m.)
- A8 The implementation of the pedestrian management plan
- A9 The maintenance of peripheral fencing
- A10 The submission of drainage proposal
- A11 The provision of drainage facilities
- A12 The submission and implementation of proposals for fire service installations and water supplies for fire-fighting
- A13 The submission and implementation of landscape proposal
- A14 Revocation clause
- A15 Reinstatement clause

Recommended Advisory Clauses

- (a) to note the following comments of District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (i) the Site comprises private Lot 381 S.B RP in D.D. 78. The lot is Old Schedule Lot held under Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
 - (ii) the Site should be under one lot designation (Lot 381 S.B RP in D.D. 78). Nevertheless, it is noted that the Site was carved out into 12 lots (Lots 381 S.B ss.1 to ss.12); and
 - (iii) should the application be approved, the owners of the lot concerned shall apply to his office for Short Term Waiver (STW) to cover all 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, the 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/ rent and administrative fees as considered appropriate by his office;
- (b) to note the following comments of Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) there would be physical conflict between the Site and the project under PWP Item No. 6854TH "Widening of Eastern Section of Lin Ma Hang Road (LMHR) between Tsung Yuen Ha and Lin Ma Hang" undertaken by his department;
 - (ii) the proposed access to the Site will pass through a strip of area between Lin Ma Hang Road and the Site, which is an unallocated government land (UGL). The applicant is required to sort out the land issues with relevant land authority;
 - (iii) the applicant is required to construct a proper ingress/egress for the Site according to HyD Standard Drawings and upon termination of the proposed temporary uses, the applicant is required to reinstate the ingress/egress to their original state and to his satisfaction at its own cost; and
 - (iv) adequate drainage measures should be provided by the applicant to prevent surface water running from the Site to LMHR and / or the nearby areas;
- (c) to note the following comments of Director of Environmental Protection (DEP):
- (i) the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites";
 - (ii) the applicant should also be reminded of his obligation to strictly comply with all environmental protection/ pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant measures given

in the EPD's latest CoP, during construction and operation stages of the proposal; and

- (iii) the applicant should also be reminded that necessary precautionary/ pollution control measures should be put in place to prevent any pollution of nearby environment during construction and operation stages of the proposed use;
- (d) to note the following comments of Director of Fire Services (D of FS):
 - (i) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his/her 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; and
- (f) to note the following comments of Chief Building Surveyor/ New Territories West, Buildings Department (CBS/NTW, BD):
 - (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Building Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action may be taken by BA 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;
 - (iii) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
 - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the B(P)Rs respectively;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5m wide, its development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at building plan submission stage.