

**Previous S.16 Applications**

**Approved Applications**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LYT/270	Proposed Temporary Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	2.4.2004 (on review)	A1 - A11
A/NE-LYT/385	Proposed Temporary Convenient Store and Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	5.12.2008	A1, A2, A10 - A16
A/NE-LYT/448	Renewal of Planning Approval for Temporary Convenience Store and Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	2.12.2011 (revoked on 27.2.2012)	A2, A10 - A13, A16 - A20
A/NE-LYT/477*	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles and Shop and Services (Car Washing and Waxing Services) with Ancillary Storerooms for a Period of 1 Years	20.7.2012 (revoked on 26.10.2012)	A2, A10, A11, A13, A16, A19 - A25

\*Approved on temporary basis for a period of 1 year

**Approval Conditions**

- A1 No vehicles other than private cars and light goods vehicles were allowed to be parked within the application site
- A2 No vehicles without valid license issued under the Road Traffic Ordinance were allowed to be parked/stored within the application site
- A3 The submission and implementation of a layout indicating the demarcation of 25 parking spaces and the use of the remaining area
- A4 The submission and implementation of revised landscaping proposals
- A5 The submission of drainage proposals
- A6 The provision of drainage facilities
- A7 The submission of a detailed traffic impact assessment

- A8 The implementation of traffic improvement measures
- A9 The provision of site paving and peripheral fencing
- A10 Revocation clause
- A11 Reinstatement clause
- A12 No more than 25 car parking spaces should be provided
- A13 The submission and implementation of drainage proposals
- A14 The submission of proposals for firefighting access, water supplies and fire service installations
- A15 The provision of firefighting access, water supplies and fire service installations
- A16 The submission and implementation of landscape and tree preservation proposals
- A17 No operation between 9:00 p.m. and 9:00 a.m. for the temporary public vehicle park and no operation between 6:00 p.m. and 11:00 a.m. for the temporary convenience store and office was allowed
- A18 No medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to park/store on or enter/exit the application site
- A19 A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the site
- A20 The submission and implementation of proposals of water supplies for fire fighting and fire service installations
- A21 No operation between 9:00 p.m. and 9:00 a.m. for the temporary public vehicle park and between 6:00 p.m. and 11:00 a.m. for the car washing and waxing shop was allowed
- A22 No vehicles other than private cars and light goods vehicles not exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked within the application site
- A23 No more than 36 parking spaces for private car and 5 parking spaces for light goods vehicle should be provided within the application site
- A24 Car waxing and washing activity should only be carried out at the south-western part of the application site
- A25 No vehicle repairing and other workshop activities were allowed to be carried out within the application site

### **Rejected Application**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-LYT/439	Proposed Temporary Open Storage of Metal, Scrap Metal, Equipment for Renovation, Documents and Home Furniture for a Period of 3 Years	6.5.2011	R1 - R5

### **Rejection Reasons**

- R1 The proposed development was not in line with the planning intention of the "Village Type Development" ("V") zone in the Lung Yeuk Tau and Kwan Tei South area which was to designate both existing recognized villages and areas of land considered suitable for village expansion and land within this zone was primarily intended for development of Small Houses by indigenous villagers, and to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- R2 The proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was no exceptional circumstances to justify the development; there were adverse departmental comments and local objections against the application; and the application was not in line with the intention of Category 4 areas which was to encourage the phasing out of non-conforming uses.
- R3 The proposed development was incompatible with the village settlements in the surrounding areas.
- R4 There were domestic dwellings in close proximity of the application site. The proposed development might cause adverse environmental impacts on the local villagers. The applicant had not demonstrated that the proposed development would not cause adverse environmental impacts on the surrounding areas.
- R5 The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such applications would result in adverse environmental and landscape impacts of the area.

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

**Rejected Application**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-LYT/406	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicle) for a Period of 3 Years	19.3.2010	R1 - R2

**Rejection Reasons:**

- R1. The proposed vehicular access, which was very close to a bus lay-by and would affect the bus operation thereat, was unacceptable from traffic engineering point of view.
- R2. There was insufficient information to demonstrate that the development under application would not have adverse traffic impact on the surrounding area.

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/North, Lands Department that:
- (i) the applicant should make his own arrangement, and there is no guarantee that any adjoining Government Land (GL) will be allowed for the vehicular access of the proposed use;
  - (ii) the existing structure on the Site was erected without approval from her office. The aforesaid structure is not acceptable under the Lease concerned. Her office reserves the right to take enforcement actions against the aforesaid structure; and
  - (iii) the owner of the lot shall apply to her 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 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 her office;
- (b) to note the comments of the Commissioner for Transport that the vehicular access between the Site and Sha Tau Kok Road – Lung Yeuk Tau is not managed by TD. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note that comments of the Chief Building Surveyor/ New Territories West, Buildings Department as follows:
- (i) before any new building/drainage works are to be carried out on the Site, the prior approval and consent from the Building Authority (BA) 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 BO;
  - (ii) any temporary shelters or converted containers for site office are considered as temporary buildings are subject to control under the Building (Planning) Regulations Pt. VII;
  - (iii) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
  - (iv) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined under the Building (Planning) Regulations 19(3) at building plan submission stage; and
  - (v) 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;

- (d) to note the comments of Director of Fire Services 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) the applicant is reminded that if the proposed structure(s) is required to comply with the Building 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 the Chief Highway Engineer/New Territories East, Highways Department that the vehicular access connecting the Site to Sha Tau Kok Road – Lung Yeuk Tau is not maintained by his Department;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
  - (i) the Site is in an area where no public sewerage connection is available;
  - (ii) the Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction; and
  - (iii) the applicant should be reminded to minimize the possible adverse environmental impacts on the exiting streamcourse in his design and during the construction;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department 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
- (h) to note the comments of the Director of Environmental Protection that 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' in order to minimise any possible environmental nuisances.