

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Applied Use/Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/260	Temporary Private Car and Lorry Park (3 Years)	9.8.2002 (3 Years) (revoked on 9.5.2003)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/784	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	4.5.2012 (3 Years)	1, 2, 3, 4, 5, 8, 9, 10, 11, 12
3.	A/YL-HT/948	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	17.4.2015 (3 Years)	1, 2, 4, 5, 9, 10, 11, 12, 13

Approval Conditions:

1. The submission and implementation of landscaping and tree preservation proposals.
2. The submission of drainage proposals and implementation of drainage facilities/ submission of a condition record of existing drainage facilities.
3. The provision of fencing.
4. Revocation clauses.
5. Reinstatement clause.
6. No parking of lorries or container vehicles.
7. The setting back of the site from the resumption limit of the Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section).
8. No night-time operation and/or no operation on Sundays and public holidays.
9. No vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance was allowed to be parked or stored on the site.
10. 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.
11. The submission and implementation of run-in/run-out proposal(s).
12. The submission and implementation of fire services installations proposals.
13. No vehicle is allowed to queue back to public road or reverse onto/from the public road.

Rejected Application

	<u>Application No.</u>	<u>Applied Use/Development</u>	<u>Date of Consideration (TPB/TPAB)</u>	<u>Reasons For Rejection</u>
1.	A/YL-HT/674	Temporary Open Storage of Construction Materials (2 Years)	5.11.2010 by TPB Appeal dismissed by TPAB on 10.2.2012	1, 2

Rejection Reasons:

1. The development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use has been

granted for the site, there are adverse departmental comments and the development would have adverse environmental impacts on the surrounding areas.

2. Approval of the application would set an undesirable precedent for similar open storage uses in the subject "O" zone, the cumulative effect of which would result in a general degradation of the environment of the area.

**Similar s.16 Applications within the subject "O" Zone
on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration</u>	<u>Approval</u>
			<u>(RNTPC)</u>	<u>Conditions</u>
1.	A/YL-HT/582	Proposed Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	21.11.2008 (3 Years)	3, 4, 5, 6, 7, 8, 9, 10
2.	A/YL-HT/769	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	16.3.2012 (3 Years)	3, 6, 7, 8, 10, 11, 12, 13, 14, 15
3.	A/YL-HT/941	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	27.3.2015 (3 Years)	3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15
4.	A/HSK/53	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	16.3.2018 (3 Years)	3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

Approval Conditions:

- 1 The setting back of the site from the resumption limit of the Ping Ha Road Improvement-Remaining Works (Ha Tsuen Section).
- 2 No lorries or container vehicles should be parked within the site.
- 3 The submission and implementation/ maintain of landscaping and/or tree preservation proposals.
- 4 The submission of DIA/drainage proposals, and/or the implementation of the drainage proposal, and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities, and/or the maintenance of the drainage facilities.
- 5 The provision/or maintenance of fencing and/or paving.
- 6 Reinstatement clauses.
- 7 Revocation clauses.
- 8 No night-time operation.
- 9 No vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes are allowed to be parked on the site.
- 10 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 11 No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- 12 No medium or heavy goods vehicle exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by applicant, is allowed to be parked/stored on the site.
- 13 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 is allowed to be parked/stored on the site.
- 14 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.
- 15 The submission and implementation of the run-in/out proposal(s).

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible to Ping Ha Road through Government land (GL). Her office provides no maintenance work for the GL involved and does not guarantee right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) will need to apply to her Office to permit the structures to be erected or regularize any irregularities on site. Such application will be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (f) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that precautionary measures such as kerbs and/or bollards should be proposed to prevent damage to the trees by the vehicle traffic. A minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) should be provided for all new tree planting. The applicant is reminded that approval of the landscape proposal under S.16 or approval condition does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval. Useful information published by the GLTM Section, DEVB on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Gui)

de_for_Tree_Maintenance.pdf) and 樹木管理手冊 (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html);

- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and

- (i) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.