

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Use/Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/YL-PS/320	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles with Ancillary Car Beauty Service for a Period of 3 Years	13.08.2010 (revoked on 26.4.2011)	(1) to (9), (13) & (14)
A/YL-PS/442	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) with Ancillary Car Beauty Service for a Period of 3 Years	25.4.2014 (revoked on 4.1.2016)	(1) to (14)

**Approval Conditions**

- (1) No night-time operation
- (2) No vehicles exceeding 5.5 tonnes were allowed to be parked on the site
- (3) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site
- (4) No vehicle dismantling, maintenance, repairing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period
- (5) Implementation of the traffic improvement measures
- (6) Provision of periphery/boundary fencing on the site
- (7) Submission and implementation of landscape and tree preservation proposal
- (8) Submission and implementation/Implementation of drainage proposal
- (9) Submission and implementation/Implementation of fire service installations proposals
- (10) A notice to be posted at a prominent location of the site to indicate that only vehicles not exceeding 5.5 tonnes
- (11) No queuing back or reversing onto/from the public road
- (12) Maintenance of drainage facilities on the site
- (13) Revocation clauses
- (14) Reinstatement clauses

**Rejected Applications**

<b><u>Application No.</u></b>	<b><u>Use/Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Rejection Reasons</u></b>
A/YL-PS/536	Temporary Minibus Seating Assembling Workshop, Open Storage of Minibus and Storage of Vehicle Seating and Parts with Ancillary Office for a period of 3 years	18/08/2017 (by TPB)	(1) to (5)
A/HSK/23	Temporary Open Storage of New Vehicles (Minibus) with Ancillary Office for a Period of 3 Years	10/11/2017	(1), (2), (4) & (5)

**Rejection Reasons**

- (1) Not in line with the planning intention for the area
- (2) Not compatible with the surrounding land uses
- (3) Fails to demonstrate no adverse environmental impact on the surrounding areas
- (4) Not comply with the Town Planning Board Guidelines No. 13E
- (5) undesirable precedent for similar uses

**Similar Applications within the same “V” Zone**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Use/Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/YL-PS/500	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	22.1.2016 (revoked on 22.4.2017)	(1) to (15)

**Approval Conditions**

- (1) No night-time operation
- (2) Only private cars and light goods vehicles were allowed to enter/be parked on site
- (3) No vehicles without valid licences were allowed to be parked/stored on site
- (4) No vehicle washing, dismantling, repairing, paint spraying or other workshop activities were allowed
- (5) A notice to be posted at a prominent location of the site to indicate that no vehicles without valid license are allowed to be parked/stored on the site
- (6) Paving on site shall be maintained
- (7) No queuing back or reversing onto/from the public road
- (8) Warning notice to drivers to remind pedestrian safety
- (9) Erection of bollards on the section of access road between Tin Ha Road and the Site
- (10) Implementation of the accepted drainage proposal
- (11) Maintenance of implemented drainage facilities
- (12) Submission and implementation of fire service installations proposal
- (13) Implementation of accepted landscape and tree preservation proposal
- (14) Revocation clauses
- (15) Reinstatement clauses

### Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) should you fail to comply with any approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further applications;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private land of Lots Nos. 1805 and 1817 both in D.D. 124 are currently covered by Short Term Waiver (STW) No. 3915 to permit structures for the purpose of “Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) with Ancillary Car Beauty Service”. The Site is accessible to Tin Ha Road via a local road on government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The STW holder will need to apply to his office for modification of the STW conditions if there are any irregularities on site and the lot owner(s) of the lots without STW will need to apply to his office for permit the structures to be erected or regularise any irregularities on site. Such application(s) will be considered by the LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comment on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. 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 UBQ on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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)R) respectively. 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)R at the building plan submission stage;

- (e) to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (f) to note the comments of the Director of Environmental Protection (DEP) that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge license under the WPCO should be obtained before a new discharge is commenced. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;
- (g) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the Site. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (h) 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 Tin Ha Road;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. However, the applicant should be reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that in consideration of the temporary nature and site location, in event of any tree requiring replacing the applicant may wish to propose a tree species of short life span habit or with less vigorous root system in lieu of the *Ficus microcarpa*. Useful information 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\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [http://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the GLTM Section, DEVB. The applicant is reminded that approval of tree preservation and landscape proposal does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted directly to DLO for approval; and
- (k) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any

activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.