

Previous Applications Covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/TM-LTYYY/230	Temporary Public Vehicle Park (for Private Cars) for a Period of 3 Years	24.2.2012 [Revoked on 24.10.2013]	(1), (2), (4), (5), (6), (8), (10), (12), (13), (14), (16) & (17)
2	A/TM-LTYYY/294	Temporary Public Vehicle Park (Private Cars only) for a Period of 3 Years	17.4.2015 [Revoked on 17.7.2015]	(1), (2), (3), (5), (6), (7), (9), (10), (12), (13), (14), (15) & (16)
3	A/TM-LTYYY/306	Temporary Public Vehicle Park (Private Cars only) for a Period of 2 Years	10.6.2016	(1), (2), (3), (5), (6), (7), (8) (10), (12), (13), (14), (16) & (17)
4	A/TM-LTYYY/349	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars only) for a Period of 2 Years	4.5.2018	(1), (2), (3), (5), (6), (7), (9), (11), (12), (14), (16) & (17)

Approval Conditions

- (1) No night time operation.
- (2) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (3) Only private cars are allowed to enter/be parked on the site
- (4) No medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer or coach are allowed to be parked/stored on the site.
- (5) Posting of a notice at a prominent location to indicate the type of vehicles to be allowed or not allowed to enter/be parked on the site.
- (6) No vehicle washing/repairing/dismantling/paint spraying and other workshop activity.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road.
- (8) Submission and/or implementation of tree preservation and/or landscape proposal.
- (9) Maintenance of all existing trees and landscape plantings on the site.
- (10) Submission and implementation of drainage proposal.
- (11) Maintenance of existing drainage facilities.
- (12) Submission and implementation of fire services installations proposal.
- (13) Submission and implementation of run in/out proposal.
- (14) Provision/Maintenance of boundary/peripheral fencing.
- (15) Maintenance of paving.
- (16) Revocation clause(s).
- (17) Reinstatement clause.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
 - (i) the Site falls within portion of Lot No. 827 RP in D.D. 130 (“the Lot”). The Lot is an Old Schedule Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
 - (ii) according to his records, a Modification of Tenancy (“MOT”) permit and a Letter of Approval (“LOA”) have been issued permitting the erection of domestic and agricultural structures on the Lot. However, porches and some other structures are found erected on the Lot which are not in compliance with the MOT and the LOA;
 - (iii) the application site is accessible via a strip of government land (GL) adjoining Fuk Hang Tsuen Road. His office does not carry out maintenance works for the said GL nor has granted any right-of-way over the GL to the Site; and
 - (iv) the lot owner may consider submitting an application to his office for a Short Term Waiver to permit erection of the proposed structures on the Lot. However, notwithstanding that planning permission has been given, there is no guarantee that the application will be approved or any right-of-way will be granted. The application will be considered by LandsD acting in his capacity as the private landlord as its sole discretion. The application, if approved, would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee from such date as may be appropriate, deposit and administration fee etc. The Government also reserves the right to take any enforcement action as may be considered appropriate regarding any unauthorized structures erected on the Lot or any encroachment or unauthorized use of GL;
- (d) to note the comments of the Chief Highways Engineer/Works, Highways Department (CHE/Works, HyD) that the applicant should coordinate with the Works Division, HyD on the detailed design of the proposed run-in/out including the setting out. The applicant should also inform the Works Division, HyD prior to the construction of the proposed run-in/out;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that there is a strip of unallocated GL between the Site and Fuk Hang Tsuen Road, which is not and will not be maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (f) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that in regards to the drainage proposal:
- (i) the applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website (https://www.dsd.gov.hk/EN/Technical_Documents/DSD_Guidelines/index.html);
 - (ii) presumably it is the intent of the applicant to make drainage connection to public drainage to discharge runoff from the Site. According to his records, there is no DSD maintained facility in the vicinity of the Site. In this regard, the applicant should be reminded to identify such public drainage and consult, as appropriate, the relevant authorities/owners of the existing drainage for consent of the connection works;
 - (iii) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owner before commencement of the drainage works;
 - (iv) the applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system; and
 - (v) the proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;
- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (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. In addition, the applicant should also be advised on the following points: (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (b) 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 service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures are erected on leased land without approval of the Building Authority (BA) (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by the 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;
- (iv) in connection with (ii) above, 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; and
- (v) formal submission under the BO is required for any proposed new works, including any temporary structures.