

Previous s.16 Application covering the Site

Rejected Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/268	"V" on approved LFS&TBT OZP No. S/YL-LFS/7	Proposed Filling of Land (by about 1.5m) for Permitted Agricultural Use	27.3.2015	1, 2, 3

Approval Conditions

1. no part of the site shall be filled to a depth exceeding 1.5 m.
2. no contaminated soil and waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition material, shall be used to fill the site.
3. the submission and implementation of a drainage proposal.

**Similar applications within the same “V” zone
on the Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/8**

Approved Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/281	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (3 Years)	22.1.2016 (3 Years)	1-10
2.	A/YL-LFS/309	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle (3 Years)	6.4.2018 (3 Years)	1-13
3.	A/YL-LFS/310	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle (3 Years)	6.4.2018 (3 Years)	1-9, 11 & 13

Approval Conditions

1. The submission and implementation of landscaping and tree preservation proposals.
2. The submission and implementation of drainage proposal.
3. No night time operation.
4. Revocation clause.
5. No vehicles other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes were allowed to be parked or stored on the application site during the planning approval period.
6. Reinstatement clause.
7. A notice shall be posted at a prominent location of the site to indicate that only private cars and light goods vehicle under 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to enter/be parked on the site.
8. No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site.
9. No vehicle is allowed to queue back to or reverse onto/from public road.
10. The provision of boundary fencing on the site.
11. A notice shall be posted at a prominent location of the Site to remind drivers on pedestrian safety on the access road to the Site.
12. The submission and implementation of a run-in/out proposal.
13. The submission and implementation of fire service installations proposal.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the 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 the prior approval of the Government. No permission is given for occupation of Government land (GL) of about 42m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Man Tak Road through both GL and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. According to her record, there is no Small House (SH) application(s) having been approved and no application(s) under processing within the "V" zone portion of the Site. Should planning approval be given, the lot owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor 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. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to 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 Lau Fau Shan 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 Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that he has the following comment to the submitted drainage proposal:

- (i) The full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system) should be indicated on plan. The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.
 - (ii) Further to (i) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence/existing condition.
 - (iii) Consideration should be given to provide grating for the surface channels.
 - (iv) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (v) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
 - (vi) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (vii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (viii) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
 - (ix) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (x) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
- (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 his department 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. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirement 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 if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the 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 UBW 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 the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized 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 respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.