

**Relevant extract of the Town Planning Board Guidelines for
Application for Developments within Deep Bay Area
(TPB PG-No. 12C)**

On 16.5.2014, the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) were promulgated. Applications for development will be considered by the Board according to the criteria set out below.

2. Main Planning Criteria:

- (a) The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. A buffer area of about 500m along the landward boundary of the WCA is thus designated as a WBA. As a substantial amount of the fish ponds within the WBA have already been lost over time through filling and certain areas have been degraded by the presence of open storage use, these degraded areas may be considered as target areas to allow an appropriate level of residential/recreational development so as to provide an incentive to remove the open storage use and/or to restore some of the fish ponds lost.
- (b) Within the WBA, for development or redevelopment which requires planning permission from the Board, an ecological impact assessment would also need to be submitted. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board, unless the ecological impact assessment can demonstrate that the negative impacts could be mitigated through positive measures. The assessment study should also demonstrate that the development will not cause net increase in pollution load to Deep Bay. Some local and minor uses are however exempted from the requirement of ecological impact assessment. They are listed in Appendix A and include temporary uses.

**Similar s.16 Applications for Vehicle Park Use
within “V” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</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 for a Period of 3 Years	V	22.1.2016	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15
2	A/YL-LFS/309	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	V	6.4.2018	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19
3	A/YL-LFS/310	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	V	6.4.2018	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19
4	A/YL-LFS/319	Temporary Public Vehicle Park (Private Car) for a Period of 3 Years	V	6.7.2018	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19
5	A/YL-LFS/327	Temporary Private Vehicle Park for Private Cars for a Period of 3 Years	V	5.10.2018	1, 2, 4, 7, 8, 9, 10, 13, 14, 15, 18, 19
6	A/YL-LFS/345	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	V	16.8.2019	1, 2, 3, 4, 6, 7, 10, 13, 14, 18, 19, 20, 21

Approval Conditions

1. No night time operation.
2. Only private cars and light goods vehicle under 5.5 tonnes/ no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to enter/be parked.
3. 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/ no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to enter/be parked.
4. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored.
5. 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.
6. No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity.
7. No vehicle is allowed to queue back to or reverse onto/from public road.
8. The submission of drainage proposal.

9. The implementation of drainage proposal.
10. The implemented/ existing drainage facilities shall be maintained at all times.
11. The submission of (tree preservation and) landscape proposal.
12. The implementation of (tree preservation and) landscape proposal.
13. Provision of fencing/ the existing fencing of the site shall be maintained at all times.
14. Revocation clause.
15. Reinstatement clause.
16. The submission of run-in/out proposal.
17. The implementation of run-in/out proposal.
18. The submission of fire service installations proposal.
19. The implementation of fire service installations proposal.
20. The existing trees and landscape planting within the site shall be maintained in good condition at all times.
21. The submission of a condition record of the existing drainage facilities.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots (OSALs). The OSALs are 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 the GL included in the Site (about 170 m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) of the lot(s) will need to apply to his office for permitting the structures to be erected or to regularize any irregularity on site, if any. Only application for regularization or erection of temporary structure(s) will be considered. Also, 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. Application(s) for any of the above will be considered by LandsD acting in the capacity of 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 rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP);
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces 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;
- (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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Building Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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. 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (g) to note the comments of the Chief Engineer/ Mainland North, Drainage Services Department (CE/MN, DSD) that peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands. The applicant should indicate clearly 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). Since there is no record of the said discharge path, the applicant should provide site photos to demonstrate its presence and existing condition. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. 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; and

- (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. 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. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.