

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

**Approved Application**

<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/148	Temporary Public Vehicle Park for Private Cars & Light Goods Vehicles for a Period of 3 Years	17.10.2003 (by TPB) (revoked on 15.12.2003)	(1) to (6)

**Approval Conditions**

- (1) No night-time operation
- (2) No heavy goods vehicles and container vehicles were allowed to be parked/stored on site
- (3) Submission and implementation of the landscape and tree preservation proposal
- (4) Submission of drainage impact assessment (DIA)
- (5) Provision of flood mitigation measures/ drainage facilities identified in the DIA
- (6) Revocation clauses

**Rejected Application**

<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/DPA/YL-PS/19	Proposed Residential Development	5.8.1994	(1) to (6)
A/YL-PS/33	Temporary Private Car/Rigid Lorry/Container Lorry Park and Open Storage of Unregistered Car for a period of 4 Years	17.7.1998	(6) to (8)
A/YL-PS/103	Temporary Container Vehicle Park, Private Car Park, Ancillary Office and Vehicle Repair Workshop for a Period of 3 Years	7.12.2001	(9) & (10)
A/YL-PS/112	Temporary Vehicle Park (Container Vehicles and Private Cars), Ancillary Office and Vehicle Repair Workshop for a Period of 3 Years	31.5.2002	(9) & (11)
A/YL-PS/131	Temporary Vehicle Park (Container Vehicles, Trucks, Private Cars and Motorcycles) for a Period of 3 Years	2.5.2003 (by TPB)	(9) & (12)
A/YL-PS/181	Temporary Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years	11.6.2004	(9) & (12)
A/YL-PS/223	Temporary Open Storage of Vehicles for Sale for a Period until 18.3.2008	29.7.2005	(9) & (13)
A/YL-PS/290	Proposed Temporary Vehicle Park for Container Vehicle and Open Storage of Construction Material for a Period of 3 Years	11.9.2009 (by TPB)  23.8.2010 (dismissed by TPAB)	(6), (9) & (13)

**Rejection Reasons**

- (1) Not in line with the planning intention for the area
- (2) The site is irregular in shape resulting in development being concentrated in parts of the Site
- (3) The proposed development intensity is excessive in the rural area
- (4) The proposed vehicular access is not acceptable
- (5) The DIA has not addressed the impact of the proposed development on the stream courses and the existing underground drains
- (6) Approval of the application will set an undesirable precedent
- (7) Insufficient information to demonstrate that the proposed development would not have adverse traffic impact on the area
- (8) Insufficient information to demonstrate that the proposed development would not have significant drainage impact on the area
- (9) The development is not compatible with the surroundings
- (10) Insufficient information to demonstrate that the development would not have adverse noise, dust, environmental and drainage impacts on the surrounding area.
- (11) Insufficient information in the submission to demonstrate the development would not have adverse environmental impacts on the surrounding areas
- (12) Insufficient information submitted to demonstrate that the development would not lead to adverse environmental and drainage impacts to the surrounding areas.
- (13) Not in line with the Town Planning Board Guidelines No. 13C/13E

**Advisory Clauses**

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lot 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 Site is accessible to Long Ping Road via government land (GL). His office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The lot owner(s) should apply to his office to 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;
- (b) to note the comments of Chief Estate Surveyor/Railway Development (CES/RD), LandsD that the Site falls within West Rail Protection Boundary. Comments from MTRCL on the Site should be sought;
- (c) 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) are to be carried out on site, prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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 on 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;
- (d) 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the Site encroaches on the Railway Protection Zone of West Rail. 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 Long Ping Road;
- (f) to note the comments of Chief Engineer/Railway Development 2-2 (CE/RD 2-2), Railway Development Office (RDO), HyD that the Site falls within the protection boundary of the West Rail Line. However, MTRCL should be consulted with

respect to operation, maintenance, safety and future construction of the existing railway network;

- (g) 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;
- (h) 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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should be advised that 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; and
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that the approval of the landscape proposal under s.16 application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree works applications should be submitted direct to DLO for approval. In compliance with the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses”, the applicant should leave adequate spacing between the fence, structures and trees to promote a more sustainable growing environment for the trees. A minimum distance of 600mm between the fence and the tree planting should be provided. The applicant is also advised that there should be a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree. Precautionary measures such as bollards and/or kerbs should be proposed to prevent damage to the trees. The applicant shall be reminded of the importance of general tree care as well as proper tree maintenance. 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.