

**Previous Applications Covering the Site**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/DPA/YL-PS/49	Temporary Public Carpark for a Period of 3 years	5.5.1995 (approved for 2 years)	(4), (5), (7), (9), (18)
A/YL-PS/53	Public Lorry and Car Park	14.5.1999 (approved for 12 months)	(1), (4), (7), (9), (18)
A/YL-PS/269	Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 3 Years	27.7.2007 (approved for 12 months)  (Revoked on 27.1.2008)	(1), (2), (3), (6), (7), (8), (9), (17), (18)
A/YL-PS/540	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	23.06.2017  (Revoked on 23.11.2019)	(2), (3), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19)

**Approval Conditions**

- (1) No vehicles without valid licenses were allowed to be parked/stored on the site.
- (2) No goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers were allowed to be parked on the site.
- (3) Restriction on operation hours.
- (4) Provision/upgrading of a vehicular access road.
- (5) Provision of hard paving on the proposed vehicular access road.
- (6) Provision of planting buffer to screen off the site.
- (7) Submission and implementation of landscape proposal.
- (8) Submission of drainage proposal.
- (9) Provision of drainage facilities.
- (10) The implemented drainage facilities on the site shall be maintained at all times.
- (11) A notice should be posted to indicate no goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers were allowed to be parked on the site.
- (12) No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- (13) No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site.
- (14) No vehicle is allowed to queue back to or reverse onto/from public road.
- (15) Submission of a fire service installations proposal.
- (16) Implementation of the fire service installations proposal.
- (17) Provision of boundary fence.
- (18) Revocation clauses.
- (19) Reinstatement clauses.

## **Rejected Application**

<b><u>Application No.</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Rejection reasons</u></b>
A/YL-PS/52	Temporary Container Trailer, and Car Park for a period of 12 Months	14.5.1999	(1), (2), (3), (4)

### **Rejection Reasons**

- (1) Incompatible with the village settlements in the surroundings.
- (2) Existing access leading to the application site is not satisfactory and the container traffic would pose a threat to the operation of the Light Rail Transit services.
- (3) No information to demonstrate no adverse environmental and visual impact on the surroundings.
- (4) Undesirable precedent for other similar applications in the area.

**Similar Application within the Same “V” and “G/IC” Zone  
on the approved Ping Shan OZP No. S/YL-PS/18**

**Approved Application**

<b><u>Application No.</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/YL-PS/571	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	2.11.2018	(1) to (10)

**Approval Conditions**

- (1) Restriction on operation hours.
- (2) Only private cars are allowed to enter/be parked on the site.
- (3) A notice shall be posted at a prominent location to indicate that only private cars and light good vehicles are allowed to enter/be parked on the site.
- (4) No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- (5) No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site.
- (6) No vehicle is allowed to queue back to or reverse onto/from public road.
- (7) Implementation of drainage proposal and maintenance of implemented drainage facilities.
- (8) Submission and implementation of fire services installations proposal.
- (9) Provision of boundary fencing on the site.
- (10) Revocation clauses.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with other owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
  - (i) 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;
  - (ii) Lots No. 25, 28 RP and 29 RP in D.D. 121 are covered by Short Term Waiver (STW) No. 5121 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) & Temporary Shop for Retail and Wholesale of Construction Materials”;
  - (iii) the proposed structure for guard’s room uses (i.e. Structure 4) together with another 2 proposed structures for site office (i.e. Structure 1) and toilet (i.e. Structure 2) uses each of gross floor area 20m<sup>2</sup> seems to be excessive in a villagers’ carpark. For fee-paying carpark STTs, a fee collecting booth/office of size not exceeding 25m<sup>2</sup> is commonly adopted. According to the established practice, any application for temporary structures for domestic uses will not be entertained; and
  - (iv) the STW holder(s) will need to apply to this office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to this office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications 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 will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment or premium or fee, as may be imposed by LandsD;
- (e) 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 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;
- (f) 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. His department shall not be responsible for the maintenance of any access connecting the Site and Ping Kwai Road;

- (g) 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”);
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that according to site inspection by his office on 14.1.2020 for the compliance checking of the previous application No. A/YL-PS/540, there are 67 nos. of peripheral trees observed on site. As only 57 nos. of existing trees are shown on the proposed landscape and tree preservation plan in the current application, the applicant should review and update the landscape plan for landscape proposal submission. It is noted that “Structure 1 – Site Office” is in conflict with some existing trees. The applicant should consider relocating the proposed structure away from the trees. The applicant is advised to construct kerb or bollard at a minimum distance of 1m around the planting areas to guard against damage to the trees and provide a continued planting strip of minimum 1m wide along the tree planting area for healthy tree growth;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (j) 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 are 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) or application for licence for the subject eating place is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorised building works (UBW) under the Building Ordinance (BO) and should not be designated for any approved use under the captioned application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the Buildings Department 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;

- (iii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA 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;
- (iv) 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) the Site does not abut on a specific 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.