

Previous s.16 Applications covering the Application Site (the Site)

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/340	Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	29.1.2010
2.	A/YL-KTN/400	Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	15.3.2013 [revoked on 15.9.2013]
3.	A/YL-KTN/429	Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	7.2.2014
4.	A/YL-KTN/548	Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	3.2.2017
5.	A/YL-KTN/694	Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	20.3.2020
6.	A/YL-KTN/888	Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	17.3.2023

Rejected Application

Application No.	Use/Development	Date of Consideration
A/YL-KTN/263	Temporary Open Storage of Building Materials and Vehicle Parts for a Period of Three Years	25.5.2007

Rejection Reasons:

- (1) The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development was not compatible with the surrounding land uses. There was insufficient information to demonstrate that the proposed development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

- (3) The application did not comply with the Town Planning Board Guidelines for Open Storage and Port Back-up Uses.
- (4) There was no information given in the submission to demonstrate that other suitable sites within the “Industrial (Group D)” and “Open Storage” zones could not be identified for the use under application.
- (5) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Similar s.16 Applications within the Same “AGR” Zone in the Vicinity of the Site in the Past Five Years

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/827	Renewal of Planning Approval for Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of Three Years	20.5.2022
2.	A/YL-KTN/915	Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	23.6.2023
3.	A/YL-KTN/961	Temporary Private Vehicle Park (Excluding Container Vehicles) for a Period of Three Years and Filling of Land	5.4.2024 [revoked on 5.10.2024]
4.	A/YL-KTN/1025	Proposed Temporary Private Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Filling of Land	2.8.2024 [revoked on 2.2.2026]
5.	A/YL-KTN/1077	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Associated Filling of Land	2.5.2025
6.	A/YL-KTN/1089	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Associated Filling of Land	14.3.2025
7.	A/YL-KTN/1152	Proposed Temporary Public Vehicle Park (Excluding Container Vehicles) and Associated Filling of Land and Pond for a Period of Three Years	24.10.2025

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application;
- the application site (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; and
- advisory comments are at **Appendix IV**.

2. Traffic

Comments of the Chief Highway Engineer/New Territories West, Highways Department:

- no in-principle objection to the application from highways maintenance point of view; and
- advisory comments are at **Appendix IV**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from drainage point of view;
- the record of the existing drainage facilities submitted by the applicant is considered acceptable;
- should the application be approved, approval condition should be stipulated requiring the maintenance of the existing drainage facilities to his satisfaction or the Town Planning Board; and
- advisory comments are at **Appendix IV**.

4. Fire Safety

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations being provided to his satisfaction; and
- advisory comments are at **Appendix IV**.

5. Landscape Aspect

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo, the Site is located in an area of miscellaneous urban fringe landscape character comprising low-rise residential developments, open storage/temporary structures, vacant land and scattered tree groups. The applied use is not incompatible with the landscape setting in the proximity;
- with reference to the site photos, the Site is largely paved. Temporary structures, car parking and some existing trees along the periphery of the Site are observed. According to the applicant's submission, no tree felling will be involved;
- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated; and
- advisory comments are at **Appendix IV**.

6. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- no objection to the application; and
- advisory comments are at **Appendix IV**.

7. District Officer's Comments

Comments of the District Officer (Yuen Long), Home Affairs Department:

- his office has not received any local's comment on the application and he has no comment on the application.

8. Other Departments

The following government departments have no objection to/no comment on the application and their advisory comments, if any, are at **Appendix IV**:

- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department; and
- Director of Electrical and Mechanical Services.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (c) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:

(i) the following private lot is covered by Short Term Waiver (STW) as below table:

<u>STW No.</u>	<u>Lot No. (in D.D. 110)</u>	<u>Purposes</u>
4490	375 S.C RP	Temporary Private Vehicle Park for Light Goods Vehicles

- (ii) the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate, and the lot owner(s) without STW shall apply to his office for STWs to permit the structure(s) erected within the private lot(s) covered by the application. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered; and
 - (iii) it is noted that staff restroom was proposed. According to the established practice, application of STW of structures for domestic/residential uses on private agricultural land will not be entertained. His office will not consider approving/regularising any structure(s) erected/to be erected on the lots for domestic/residential uses;
- (e) to note the comments of the Commissioner for Transport that:
- (i) the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
 - (ii) sufficient manoeuvring space shall be provided within the Site; and
 - (iii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Tin Road, including any local tracks; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Director of Environmental Protection that:
 - (i) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (ii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs), in particular the ProPECCPN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';
 - (iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant shall be liable for any adverse drainage impact due to the applied use;
- (i) to note the comments of the Director of Fire Services that:
 - (i) the detailed comments on the fire service installations (FSIs) proposal previously provided to the applicant shall be taken into account in the revised FSIs proposal;
 - (ii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation that since the discharge system of the Site is connected to the nullah adjacent to Kam Tai Road, which eventually flows into Kam Tin River, the applicant shall adopt appropriate measure to avoid deterioration of water quality of the watercourses nearby. In particular, precautions shall be taken to prevent the discharge of chemicals from car washing activities or vehicle spillages through surface run-off; and

- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) it is noted two structures and associated filling of land and pond are applied in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) 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) under BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) 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;
 - (iii) 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 B(P)R at building plan submission stage;
 - (iv) 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 constructed as an acceptance of any existing building works or UBW on the Site under BO;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of B(P)R; and
 - (vi) detailed checking under BO will be carried out at building plan submission stage.