

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

Approved Applications

	<b>Application No.</b>	<b>Use/Development</b>	<b>Date of Consideration</b>
1.	A/YL-KTN/563	Proposed Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	14.7.2017
2.	A/YL-KTN/710	Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	10.7.2020
3.	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

Rejected Applications

	<b>Application No.</b>	<b>Use/Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
1.	A/YL-KTN/130	Temporary Open Storage of Vehicles for a Period of Two Years	2.3.2001	(1), (2), (4), (5)
2.	A/YL-KTN/149	Temporary Open Storage of Construction Materials for a Period of Three Years	15.11.2002 (on review)	(1), (3), (5)
3.	A/YL-KTN/161	Temporary Open Storage of Construction Materials and Machinery for a Period of Three Years	23.5.2003 (on review)	(1), (3), (5)
4.	A/YL-KTN/263	Temporary Open Storage of Building Materials and Vehicle Parts for a Period of Three Years	25.5.2007	(1), (2), (3), (4), (5)

Rejection Reasons:

- (1) The proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone.
- (2) The proposed use was not compatible with the surrounding land uses. There was insufficient information to demonstrate that the proposed use would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

- (3) The application did not comply with the then 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 proposed use.
- (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 “Agriculture” Zone in the Vicinity of the Site in the Past Five Years**

Approved Applications

	<b>Application No.</b>	<b>Use/Development</b>	<b>Date of Consideration</b>
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/888	Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years	17.3.2023
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/1077	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Associated Filling of Land	2.5.2025
5.	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
6.	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
7.	A/YL-KTN/1209	Temporary Private Vehicle Park (Excluding Container Vehicle) and Associated Filling of Land and Pond for a Period of Three Years	27.3.2026

**Government Departments' General Comments**

**1. Traffic**

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

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

**2. Railway Development**

Comments of the Chief Engineer/Railway Development Division 1-1, Railway Development Office, HyD:

- no comment from railway development viewpoint;
- the Site falls within the railway protection boundary of the existing High Speed Rail; 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;
- According to the applicant's submission, the existing drainage facilities which was implemented under an approved application no. A/YL-KTN/915 will be maintained for the applied use. Should the application be approved, approval conditions should be stipulated requiring the submission of an updated condition record of the existing drainage facilities on Site and maintenance of the existing drainage facilities to his or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix IV**.

**4. Environment**

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- based on the applicant's submission, the applied use would not cause traffic of heavy vehicle and dusty operation. According to his review, there are residential structures within 100m from the boundary of the Site;

- there was no environmental complaint received against the Site in the past three years; 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 was situated in an area of rural fringe landscape character comprising low-rise residential buildings, open storage, temporary structures, farmlands and scattered tree groups. The applied use is not entirely incompatible with the landscape setting in the proximity;
- with reference to the site photos, the Site was largely formed and some vehicles were parked on it. Several existing trees were observed along the boundaries. According to the applicant's submission, no tree felling will be involved;
- in view of the above, significant adverse landscape 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;
- there is no record of approval granted by the Building Authority for the existing structure at the Site; 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**:

- Director of Fire Services;
- 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) failure to reinstate the application site (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;
- (b) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
  - (i) there is/are unauthorized structure(s) on Lot No. 376 RP in D.D. 110 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
  - (ii) the lot owner(s) shall apply to his office for Short Term Waiver(s) (STWs) to permit the structure(s) erected within the said private lot. The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, 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 resting room was proposed. According to the established practice, application for STW of structures for domestic/residential uses on private agricultural land will not be entertained. Hence, his office will not consider approving/regularising any structure(s) erected/to be erected on the lots for domestic/residential uses;
- (d) 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;
- (e) 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 the 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;
- (f) to note the comments of Chief Engineer/Railway Development Division 1-1, Railway Development Office, HyD that with reference to Development Bureau Technical Circular (Works) No. 1/2019 and/or Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-24, the applicant shall consult MTR Corporation Limited with respect to operation, maintenance and safety of the existing railway network;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
  - (i) the detailed comments on the drainage record previously provided to the applicant shall be taken into account in the revised submission of condition record of the existing drainage facilities;
  - (ii) the applied use should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
  - (iii) the applicant shall resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government land (where required) outside the Site;
- (h) to note the comments of the Director of Environmental Protection that:
  - (i) the applicant shall post a notice at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
  - (ii) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
  - (iii) 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';
  - (iv) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
  - (v) the applicant shall observe the statutory requirements under relevant environmental legislations;
- (i) 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;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) it is noted that one structure and associated filling of land and pond are proposed 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 Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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) if the existing structures are erected on leased land without the approval of BA, they are UBW under BO and should not be designated for any applied use under the application;
  - (v) 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;
  - (vi) 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
  - (vii) detailed checking under BO will be carried out at building plan submission stage.