

Previous Applications Covering the Site

Approved Application

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Rejection Conditions</u> |
|---|-------------------------------|---|---|---|
| 1 | A/YL-PH/766 | Proposed Temporary Shop and Services (Sales of Vehicle Parts) for a period of 3 Years | 2.3.2018 | (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) |

Approval Conditions:

- (1) Restriction on operation hours
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed
- (3) The existing boundary fencing on the site shall be maintained at all times
- (4) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time
- (5) No vehicle is allowed to queue back to or reverse onto/from public road at any time
- (6) The submission and implementation of tree preservation and landscape proposal
- (7) The submission and implementation of drainage proposal
- (8) The implementation of accepted fire service installations proposal
- (9) If any of the planning conditions was not complied with during the planning approval period/by the specified date, the approval given should cease to have effect and shall on the same date be revoked without further notice
- (10) Upon expiry of the planning permission, the reinstatement of the application site to an amenity area

Rejected Application

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Rejection Conditions</u> |
|---|-------------------------------|--|---|--|
| 1 | A/YL-PH/751 | Proposed Temporary Open Storage of Vehicle Parts for a Period of 3 Years | 11.8.2017 | (1), (2), (3) & (4) |

Rejection Reasons:

- (1) The proposed development is not in line with the planning intention of the "Agriculture" ("AGR") zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis
- (2) The development does not comply with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" in that there is no previous approval granted at the site and there are adverse departmental comments and public objections against the application
- (3) The applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications

**Similar Applications within the same “AGR” zone of the Site
on the Pat Heung OZP**

Approved Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Approval Conditions</u> |
|---|-------------------------------|---|---|---|
| 1 | A/YL-PH/754 | Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years | 22.9.2017 | (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) |
| 3 | A/YL-PH/851 | Renewal of Planning Approval for Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years | 18.9.2020 | (1), (2), (5), (6), (9), (11), (12), (13) |

Approval Conditions:

- (1) Restriction on operation hours
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed
- (3) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time
- (4) The submission and implementation of fire service installations proposal/provision of fire service installations
- (5) If the planning condition is not complied with at all time during the approval period/by specific date, the approval shall cease to have effect and be revoked without further notice
- (6) Upon expiry of the planning permission, the reinstatement of the site to an amenity area
- (7) The submission and implementation of drainage proposal
- (8) The existing boundary fencing on the site shall be maintained at all times
- (9) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period
- (10) Submission and implementation of the landscape proposal
- (11) The maintenance of the existing drainage facilities and the submission of a record of the existing facilities on the site
- (12) The maintenance of the existing trees and landscape plantings within the site
- (13) The maintenance of the existing fire service installations implemented on the site

Advisory Clauses

- (a) note DLO/YL, LandsD's comments 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 lot owner(s) will need to apply to his office to permit the structure(s) 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 the LandsD acting in the capacity as 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 of rent or fee, as may be imposed by the LandsD;
- (b) note C for T's comments that 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;
- (c) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Tai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimise any potential environmental nuisance;
- (e) note CTP/UD&L, PlanD's comments that the applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval. With reference to the site visit record, the 7 nos. of tree planted should be *Ficus hispida*. (對葉榕). The applicant should revise the landscape layout plan accordingly; and
- (f) note CBS/NTW, BD's comments that 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 BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the 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.