

Previous Applications covering the Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/55	“U”	Temporary Container Vehicle, Lorry and Car Park for a Period of 2 Years	13.8.1999	(1), (2), (8) & (14)
A/YL-PS/80	“U”	Temporary Public Vehicle Park for Cars, Lorries and Container Vehicles for a Period of 3 Years	28.7.2000 (revoked on 28.7.2001)	(1), (3), (8), (13) & (14)
A/YL-PS/482	“CDA”	Temporary Warehouse (Storage of Electronic Products and Daily Necessities) for a Period of 3 Years	4.12.2015	(1), (3) to (14)

Approval Conditions

- (1) Submission and implementation of landscape (and tree preservation) proposal
- (2) Submission of revised car parking layout
- (3) Provision of boundary fencing and/or site paving
- (4) Restriction on operation hours
- (5) No repairing, dismantling or other workshop activities
- (6) No vehicle is allowed to queue back to or reverse onto/from public road
- (7) Submission of Drainage Impact Assessment
- (8) Provision/Implementation of the drainage facilities
- (9) Maintenance of drainage facilities
- (10) Submission and implementation of water mains diversion proposal
- (11) Provision of waterworks reserve
- (12) Submission and implementation of FSI proposal
- (13) Revocation clauses
- (14) Reinstatement clause

Rejected Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/126	“U”	Temporary Container Trailer, Lorry and Car Park for a Period of 3 Years	13.12.2002	(1), (2)
A/YL-PS/160	“U”	Temporary Vehicle Park for Private Cars, Lorries and Container Trailers for a Period of 18 Months	19.9.2003	(2), (3)
A/YL-PS/169	“U”	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years	9.1.2004	(2), (3)
A/YL-PS/228	“U”	Temporary Container Vehicle and Lorry Park and Ancillary Repairing Activities for a Period of 3 Years	28.3.2008 (TPAB)	(2), (4) to (7)

Rejection Reasons

- (1) Not compatible with residential uses found within the Site as well as those immediately adjacent to the Site
- (2) Insufficient information to demonstrate no adverse environmental and/or visual and/or drainage and/or traffic impacts on the surrounding areas
- (3) Not compatible with the surrounding areas, in particular the adjacent residential structures
- (4) Not compatible with the surrounding land uses
- (5) The appellant was not to be trusted as being able to be willing to comply with the conditions that Town Planning Appeal Board (TPAB) be minded to impose for the grant of planning permission
- (6) Even with the mitigation measures suggested by the appellant’s experts, the TPAB were not satisfied that the development would not cause any unreasonable adverse effect on the residents nearby
- (7) The appellant’s experts had not suggested any measures or effective measure to avoid or mitigate any harmful effect of the pollution so caused

**Similar Applications within the adjacent “CDA” Zone
on the approved Ping Shan OZP No. S/YL-PS/18**

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/393	“CDA”	Proposed Temporary Warehouse (for Storage of Used and New Construction Materials and Equipments) for a Period of 3 Years	15.3.2013 (revoked on 15.12.2013)	(1) to (3), (5), (7), (9) to (13)
A/YL-PS/513	“CDA”	Proposed Temporary Warehouse (Storage of Used and New Construction Materials and Equipment) for a Period of 3 Years	19.2.2016	(1), (2), (4) to (13)

Approval Conditions

- (1) No night time operation and no operation on Sundays and Public Holidays
- (2) No workshop activities/uses
- (3) No light goods vehicles (except goods vans), medium or heavy goods vehicles exceeding 3.5 tonnes including container tractors/trailers
- (4) Only private cars and light goods vehicles are allowed to be parked/stored on or enter/exit the site
- (5) Posting notice at a prominent location to indicate the types of vehicle allowed to enter/be parked
- (6) No queue back to or reverse onto/from public road
- (7) Submission and implementation of the drainage proposal
- (8) Maintenance of the implemented drainage facilities
- (9) Submission and implementation of fire service installations proposal
- (10) Submission and implementation of landscape and/or tree preservation proposal
- (11) Provision of boundary fencing
- (12) Revocation clauses
- (13) Reinstatement clause

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that 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 prior approval of the Government. Within the Site, the following private lots are currently covered by Short Term Waivers (STWs) whereas the government land (GL) therein is covered by Short Term Tenancy (STT), details of which are listed below:

Lot No. /GL in D.D. 122	STW/STT No.	Permitted Use
146	STW 4776	Temporary Warehouse (Storage of Electronic Products and Daily Necessities)
148	STW 4777	
151	STW 4778	
164	STW 4779	
166 & 179	STW 4780	
167 & 168	STW 4781	
169, 177 & 178	STW 4782	
141, 147 & 149	STW 4783	
139, 140, 145 & 170	STW 4784	
159, 160 & 165	STW 4785	
GL	STT 3090	

The Site is accessible from Ha Mei San Tsuen Road via GL and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holder(s) should apply to his 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 his office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by the 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 of premium or fee, as may be imposed by the LandsD;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD 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. 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 space within the Site should be provided for manoeuvring of vehicles;
- (e) 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. HyD shall not be responsible for the maintenance of any access connecting the Site and Ha Mei San Tsuen Road;
- (f) 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 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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (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”.