

Previous Applications covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/145	Temporary Storage of Furniture & Miscellaneous Items for a Period of 3 Years	25.7.2003	(1), (2), (3), (4)
2	A/YL-TYST/225	Temporary Open Storage of Private Vehicles for a Period of 3 Years	15.8.2008	(1), (3), (4), (5), (6)

Rejection Reason(s):

- (1) the development was not in line with the planning intention of the "Village Type Development" ("V") zone which was to designate both existing and recognised villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (2) the development was not compatible with the surrounding residential and rural character with village houses and fallow agricultural land;
- (3) two areas were zoned "Open Storage" ("OS") on the approved Tai Tong Outline Zoning Plan No. S/YL-TT/10 to meet the demand for land for open storage/storage use. There was no information in the submission to demonstrate why suitable sites/units within these "OS" zones/flatted factories could not be made available for the development;
- (4) approval of the application would set an undesirable precedent for similar uses to proliferate into this "V" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- (5) the development was not in line with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" (TPB PG-No. 13D) in that there was no previous planning approval granted for the site and there were adverse departmental comment and local objection against the applied use. Besides, there was no exceptional circumstances to merit approval of the case;
- (6) there was no information in the submission to demonstrate that the development would not cause adverse environmental, drainage and landscape impacts on the surrounding areas;

Similar Applications within the Same “V” Zone on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/289	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.8.2011 [revoked on 19.2.2012]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TT/301	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.7.2014]	(1), (2), (3), (4), (5), (6), (7) (8)
3	A/YL-TT/302	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.10.2013]	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-TT/327	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.12.2015 (allowed on appeal for 12 months) [revoked on 22.3.2016]	(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13)
5	A/YL-TT/343	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.1.2015	(1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13)
6	A/YL-TT/384	Proposed Temporary Shop and Services (Local Provision Store with Ancillary Storage Area and Real Estate Agency) for a Period of 3 Years	29.7.2016	(1), (3), (4), (5), (6), (9), (14)
7	A/YL-TT/418	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.1.2018	(1), (5), (6), (7), (9), (10), (12), (13)
8	A/YL-TT/429	Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years	1.6.2018	(1), (5), (6), (7), (9), (10), (14)

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
9	A/YL-TT/445	Temporary Shop and Services (Interior Design and Decoration Engineering Company) for a Period of 3 Years	8.3.2019	(1), (2), (4), (5), (6), (9), (13), (15)

Approval Condition(s):

- (1) No night-time operation during specific time limit is allowed on the site.
- (2) Submission and/or implementation of (accepted) run-in/out proposal.
- (3) Submission and/or implementation of landscaping and tree preservation proposal.
- (4) Submission of (revised) drainage proposal and/or provision/implementation of drainage proposal/facilities.
- (5) Submission and/or implementation of (accepted) fire service installations proposal.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) Submission and implementation of parking arrangement proposal.
- (9) Maintenance of the implemented drainage facilities at all times.
- (10) No car repair business, nor any activity not permitted shall be carried on in the site.
- (11) No open storage at the uncovered areas is allowed on the site at any time during the planning approval period.
- (12) Provision of boundary fencing on the site.
- (13) No vehicle parking, queuing and reverse manoeuvring are allowed on public road and at the vehicular access at any time during the planning approval period.
- (14) No vehicle to be parked/stored on or enter/exit the site.
- (15) all existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/344	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.5.2015 (on review)	(1), (2)
2	A/YL-TT/357	Tempoary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 Years	25.8.2017 (dismissed on appeal)	(1), (2)
3	A/YL-TT/421	Temporary Shop and Services (Building Surveying Consultancy) for a Period of 3 Years	9.2.2018	(1), (2)

Rejection Reason(s):

- (1) Failure to demonstrate that the development would not cause adverse traffic/landscape and/or drainage impacts on the surrounding area.
- (2) Previous planning permissions granted to the applicant were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department 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 the prior approval of the Government. The Site is accessible from Tai Tong Road via government land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) should apply to her 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. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) 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 her department;
- (d) to note the comments of the Commissioner for Transport that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking of vehicles on public road are allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should provide the run-in/out at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (f) to note the comments of the Director of Environmental Protection to 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 the Environmental Protection Department to minimise any potential environmental nuisance;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant is advised that 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 also be clearly marked on the layout plans. However, if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of

formal submission of general building plans; and

- (h) to note comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 unauthorised building works (UBW) under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed 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.