

Previous Applications covering the Application Site

Approved Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Approval Condition(s)</u> |
|---|-------------------------------|--|---|--|
| 1 | A/YL-TYST/118 | Temporary storage of construction materials for a period of 3 years | 27.10.2000 | (1), (2), (3), (4), |
| 2 | A/YL-TYST/618 | Temporary open storage and warehouse for storage of construction materials and ancillary site office for a period of 3 years | 23.11.2012 [revoked on 23.8.2014] | (1), (2), (3), (4), (5), (6), (7), (8), (9) |
| 3 | A/YL-TYST/756 | Temporary open storage and warehouse for storage of construction material with ancillary site office for a period of 3 years | 18.12.2015 [revoked on 18.6.2016] | (1), (2), (3), (4), (5), (6), (7), (8), (9) |
| 4 | A/YL-TYST/865 | Proposed temporary warehouse for storage of home appliance and furniture for a period of 3 years | 22.12.2017 [revoked on 22.5.2020] | (1), (2), (3), (4), (5), (6), (7), (9), (10), (11) |

Approval Conditions

- (1) Submission and implementation of tree preservation and/or landscape proposal.
- (2) Paving and/or fencing of the site.
- (3) Submission and implementation of (revised) drainage proposal/provision of drainage facilities.
- (4) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (5) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (6) No night-time operation during specific time limit is allowed on the site.
- (7) No operation is allowed on Sundays and public holidays.
- (8) No heavy goods vehicles (i.e. over 24 tonnes) are allowed to be parked/stored on the site.
- (9) Submission and implementation fire service installations proposal/provision of fire extinguisher.
- (10) No vehicle is allowed to queue back to or reverse onto/from public road.
- (11) no open storage/repairing/dismantling/spraying/other workshop activities are allowed on the site.

Rejected Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Rejection Reason(s)</u> |
|---|-------------------------------|--|---|-----------------------------------|
| 1 | A/YL-TYST/20# | Temporary open storage of construction materials for a period of 12 months | 24.10.1997 | (1), (2), (3), (4) |
| 2 | A/YL-TYST/34# | Temporary storage of construction materials for a period of 12 months | 5.6.1998 | (1), (2), (3), (4), (5), (6) |

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Rejection Reason(s)</u> |
|---|-------------------------------|--|---|-----------------------------------|
| 3 | A/YL-TYST/48# | Temporary open storage of construction materials and small-scale machinery for a period of 12 months | 25.9.1998 | (1), (2), (3), (4), (5), (6) |

The site was zoned "Green Belt" ("GB") on the draft OZP No. S/YL-TYST/1

Rejection Reasons

- (1) Not in line with the planning intension of the "GB" zone.
- (2) Not compatible with the surrounding rural land uses mainly agricultural land, domestic farm structures and the well-vegetated hill-slopes to the immediate south.
- (3) No/insufficient information in the submission to demonstrate that the vehicular access arrangement for the site is satisfactory.
- (4) Approval of the application would set an undesirable precedent for other similar planning permissions within the "GB" zone, which would result in a general degradation of the environment of the area.
- (5) Not comply with the Town Planning Board Guidelines for Application for Open Storage and Port-Backup Uses in that it is not compatible with the surrounding area which is rural in character and the well-vegetated hill-slope to the immediate south.
- (6) No/insufficient information in the submission to demonstrate that the development would not cause adverse drainage impact on the surrounding areas.

**Similar Applications within or straddling the subject “OU(STW)” Zone
on the Tong Yan San Tsuen OZP since 2015**

Approved Applications

| | <u>Application No.</u> | <u>Proposed Use(s)/Development(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Approval Condition(s)</u> |
|---|-------------------------------|---|---|--|
| 1 | A/YL-TYST/742* | Temporary Warehouse for Storage of Clothes and Household Products and Logistics Centre for a Period of 3 Years | 17.7.2015 [revoked on 17.10.2015] | (1), (2), (4), (5), (6), (8), (9), (10), (11), (13), (14), (19), (20) |
| 2 | A/YL-TYST/836* | Temporary Warehouse for Storage of Home Appliance and Furniture and Ancillary Site Office for a Period of 3 Years | 12.5.2017 [revoked on 12.8.2019] | (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (14), (19), (20), (28) |
| 3 | A/YL-TYST/860 | Temporary Open Storage of Metal Goods with Ancillary Warehouse for a Period of 3 Years | 24.11.2017 | (4), (5), (6), (8), (12), (13), (15), (19), (20), (27) |
| 4 | A/YL-TYST/852 | Temporary Warehouse for Storage of Clothes and Household Products for a Period of 3 Years | 4.5.2018 [revoked on 4.8.2019] | (1), (4), (7), (8), (11), (13), (14), (15), (19), (20), (22) |
| 5 | A/YL-TYST/871* | Temporary Warehouse for Storage of Clothes and Shoes for a Period of 3 Years | 4.5.2018 [revoked on 4.8.2019] | (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (19), (20), (22) |
| 6 | A/YL-TYST/971* | Temporary Warehouse for Storage of Paper Products and Electronic Goods for a Period of 3 Years | 2.8.2019 | (3), (4), (5), (8), (9), (11), (12), (15), (19), (20), (27) |
| 7 | A/YL-TYST/983* | Temporary Warehouse for Storage of Electronic Goods with Ancillary Site Office for a Period of 3 Years | 3.1.2020 | (5), (7), (8), (10), (11), (12), (19), (20), (21), (32) |

*Straddling the adjacent “Undetermined” zone.

Approval Condition(s):

- (1) Submission and/or implementation of (accepted) landscape and/or tree preservation proposals.
- (2) Paving and/or fencing of the application site.
- (3) Submission of (revised) drainage proposals and/or provision/implementation of (accepted) drainage facilities/proposal.
- (4) Submission and/or implementation of (accepted) water supplies for firefighting/fire service installations/emergency vehicular access proposal(s)/provision of a 9-litre water type/3kg dry powder fire extinguisher/ fire extinguisher(s) with valid fire certificate (FS 251).
- (5) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (6) Reinstatement of the application site upon expiry of planning permission.
- (7) No open storage is allowed on the site.
- (8) No (night-time) operation during specific time limit is allowed on the site.

- (9) Submission and implementation of run-in/out proposal.
- (10) No car beauty/car washing/repairing/dismantling/breaking/fixing/maintenance/cleansing/paint-spraying/ recycling/packaging workshop activities are allowed on the site.
- (11) No operation is allowed on Sundays and public holidays.
- (12) The existing landscape planting and/or trees should be maintained at all times.
- (13) No medium goods vehicles over 5.5 tonnes/heavy goods vehicles (i.e. over 24 tonnes)/container tractor/trailer are allowed to be used, parked/stored on the site.
- (14) No plastic waste/electronic waste/used batteries/used electrical appliances/televisions/computer monitors/computer parts/electronic parts are allowed to be stored/processed on the site.
- (15) No dismantling/repairing/cleansing/workshop activities are allowed on the site.
- (16) No dismantling/repairing/cleansing/workshop activities are allowed in the open area of the site.
- (17) No grinding/polishing/cutting/repairing/dismantling/workshop activities are allowed in the open area or outside the specified structure of the site.
- (18) Posting of a notice at a prominent location of the site to indicate that no medium or heavy goods vehicle including container trailer/tractor is allowed to be parked/stored on the site.
- (19) Maintenance of existing/implemented drainage facilities and/or submission of a record of the existing drainage facilities.
- (20) No parking/queuing/reverse movement of vehicles on public road.
- (21) No repairing/dismantling/cleansing/paint-spraying/workshop activities, except those proposed to be exempted by the applicant, are allowed on the site.
- (22) Provision/maintenance of (existing) boundary fence within the application site.
- (23) Submission of record photos of existing trees.
- (24) No storage of battery on area areas.
- (25) No ancillary maintenance work to be carried out in open area.
- (26) The stacking height of materials stored within the site should not exceed the height of the boundary fence.
- (27) No storage or handling of (used) electrical appliances/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment is allowed outside the concrete-paved covered structures on the site.
- (28) No handling/storage/loading/unloading of used electrical/electronic appliances/construction material/scrap metal is allowed outside the concrete-paved covered structure(s)/shall be carried out within enclosed structure(s) on site.
- (29) No storage or handling of metal products and packed cement is allowed outside the concrete-paved covered structures on the site.
- (30) No storage or handling of sand and gravel is allowed on the site.
- (31) No open storage activities and handling of scrap metal, repairing, dismantling or other workshop activities, except cutting of metal within the warehouse, are allowed on the site.
- (32) No handling (including loading and unloading) of electronic waste and cathode-ray tubes, are allowed on the site.

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) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should you fail to comply with any of the approval conditions resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises government land (GL) and 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. No permission is given for occupation of GL (about 370m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. Within the Site, Lots 1937 (Portion), 1945 (Portion) and 1954 (Portion), 1946, 1955 and 1957 (Portion), 1947 and 1956 and 1948 are currently covered by Short Term Waivers (STWs) No. 3730 to 3734 respectively to permit structures erected thereon for the purpose of "Open Storage and Warehouse for Storage of Construction Material with Ancillary Site Office". The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Furthermore, the GL has to be excluded from the Site or a formal approval prior to the actual occupation of the GL is applied. Applications for any of the above will be considered by her department 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 rent or fee, as may be imposed by her department;
- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road is allowed;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that according to her site inspection for planning application No. A/YL-TYST/865 on 29.5.2020, it appeared that some existing *Bauhinia blakeana* are in conflict with structures No. 2, 3 and 4 proposed in the current application. The

treatment of these trees should be clarified and explained. It is noted that the proposed *Bauhinia blakeana* adjacent to structure No. 2 are having less than 4m spacing. The landscape and tree preservation proposal should be reviewed and sufficient spacing for healthy tree growth should be allowed. Some of the existing trees other than *Bauhinia blakeana* were observed along northeastern boundary fence. Those trees that fall within the site boundary should be illustrated on the revised landscape and tree preservation proposal. With regard to the proposed *Pyrostegia ignea* along southeastern site boundary, a typical section of the respective planter annotated with dimensions should be provided. Raised planter of not less than 300mm soil depth should be illustrated in the section. Approval of the planning application by the Town Planning Board does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. Relevant authority/ government department(s) should be approached for obtaining necessary approval on tree works;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the development should not encroach on or affect the streams, woodland and trees in the “Green Belt” and “Conservation Area” zones immediately adjacent to the Site;
- (i) to note the comments of the Director of Environmental Protection that 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 should be followed to minimise any potential environmental nuisances on the surrounding areas;
- (j) to note the comments of the Director of Fire Services that the installation/ maintenance/ modification/ repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. 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. Due to the large size of structure 1 (i.e. warehouse with compartment exceeding 28,000 cubic metres), Buildings Department’s (BD’s) advice should be sought on the applicability of the requirements of means of escape, fire resisting construction and means of access as stipulated in the Code of Practice for Fire Safety in Building 2011;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, BD that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the 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 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. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person 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. 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 the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the Site falls within the boundary of Yuen Long South (YLS) development - Stage 2 Phase 2. Extension of the planning permission may not be supported in future and any substantial works shall not be carried out in view of the planned YLS development - Stage 2 Phase 2.