

Previous Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/620	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	23.11.2012 [revoked on 23.12.2014]	(1), (2), (4), (5), (6), (7), (8)
2	A/YL-TYST/714	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	6.2.2015 [revoked on 6.11.2016]	(1), (2), (3), (4), (5), (6), (7), (8)

Approval Conditions:

- (1) No night-time operation between specific hours.
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to park/store on or enter/exit the site at any time.
- (3) No vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed
- (4) Submission and/or implementation of landscape proposal.
- (5) Submission and/or implementation of drainage proposal and maintenance of the implemented drainage facilities.
- (6) Submission and implementation of fire service installations proposal.
- (7) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (8) Reinstatement of the site to an amenity area upon expiry of planning permission.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/525	Temporary Warehouse for Storage of Construction Materials (including Wooden Boards, Metal Goods and Ceramic Tiles) and Advertising Boards for a Period of 3 Years	18.3.2011	(1), (2), (3)
2	A/YL-TYST/586	Proposed Temporary Warehouse for Storage of Construction Materials (including Ceramic Tiles) for a Period of 2 Years	16.11.2013 (on review)	(1), (2), (3)

Rejection Reasons

- (1) Not in line with the planning intention of the "R(C)" zone. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

- (2) The development would generate adverse environmental/traffic impact on the residential uses to the immediate east and southeast and in the vicinity of the site.
- (3) The vehicular access to the site is inadequate for the passage of heavy goods vehicles.

Similar Applications within the Subject “R(C)” zone

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/577	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	16.3.2012 [revoked on 16.3.2013]	(2), (3), (4), (5), (6), (7), (8)
2	A/YL-TYST/737	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	3.7.2015	(2), (3), (4), (5), (6), (7), (8), (11), (13)
3	A/YL-TYST/738	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	3.7.2015 [revoked on 3.4.2016]	(2), (3), (4), (5), (6), (7), (8), (11), (13)
4	A/YL-TYST/760	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	23.10.2015 [revoked on 23.7.2016]	(2), (3), (4), (5), (6), (7), (8), (11), (13)
5	A/YL-TYST/774	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	8.1.2016 [revoked on 8.7.2016]	(2), (4), (5), (6), (7), (8), (11), (13), (14)
6	A/YL-TYST/805	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	14.9.2016 [revoked on 14.3.2017]	(2), (4), (5), (6), (7), (8), (11), (13), (14)
7	A/YL-TYST/821*	Proposed Temporary Plant Nursery and Shop and Services (Retail Shop for Plants) for a Period of 3 Years	13.1.2017 [revoked on 26.6.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9) (10), (11), (12), (15)

*Straddling the adjacent “Undetermined” zone.

Approval Condition(s):

- (1) No workshop activity is allowed on the site.
- (2) Submission and/or implementation of (accepted) landscape and/or tree preservation proposal.
- (3) Submission of (revised) drainage proposal and implementation/provision of drainage facilities/proposal.
- (4) Submission and implementation/provision of emergency vehicular access, water supply for firefighting and/or fire service installations proposal.
- (5) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (6) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (7) No night-time operation between specific hours.

- (8) No light/medium/heavy goods vehicles, including container tractor/trailer, is allowed to park/store on or enter/exit the site.
- (9) Preservation of the existing bamboos clumps.
- (10) No vehicle is allowed to park/store on or enter/exit the site.
- (11) No vehicle is allowed to queue back to or reverse onto/from public road.
- (12) Provision of boundary fencing on the site.
- (13) The implemented/existing drainage facilities shall be maintained.
- (14) Submission of records of the existing drainage facilities on the site.
- (15) No site formation and construction works are allowed during the breeding season of ardeids from March to August inclusive.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. storage use) which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 1279 S.A in D.D. 119 is covered by Short Term Waiver (STW) No. 3724 to permit structures erected thereon for the purpose of “Eating Place and Shop (Grocery Store)”. Lot No. 1298 in D.D. 119 is covered by STW No. 3599 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Building Materials (Ceramic Tiles)”. The Site is accessible to Kung Um Road via Government land (GL) and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW holder(s) will need to apply to her office for modification of the STW conditions if there is any irregularities on site and the lot owner(s) of lot(s) without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by her department acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) 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 required 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 shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are 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 follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites” issued by the Environment Protection Department to minimize any potential environmental nuisances;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that fence and/or kerb or bollard should be constructed with a minimum distance of 1m around the planting areas to guard against damage to the trees. The applicant should make reference to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”;
- (i) to note the comments of the Director of Fire Services that the applicant is advised that the installation/maintenance/modification/repair work of FSI 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. In addition, the applicant is reminded that 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;
- (j) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized 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 Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized 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. 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 B(P)R at the building plan submission stage;
- (l) to note the comments of the Director of Food and Environmental Hygiene that for any waste generated from the commercial/trading activities, the applicant should arrange disposal properly at your own expense. Proper licence/permit issued by his department is required if there is any catering service or any activities regulated by him under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
- (m) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the

vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.