

**Previous Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/445	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	7.8.2009 [revoked on 7.6.2012]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TYST/622	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	7.12.2012	(1), (2), (5), (6), (7), (8), (9), (10), (11), (12)
3	A/YL-TYST/767	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	18.12.2015	(1), (2), (5), (6), (7), (8), (9), (10), (11), (12),

**Approval Condition(s):**

- (1) No night-time operation during specific hours (i.e. between 6:00 p.m. and 9:00 a.m.) is allowed on the site.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, are allowed for the operation of the application site.
- (3) Submission and implementation of landscape proposal.
- (4) Submission and implementation of drainage proposal.
- (5) Submission and/or implementation of (accepted) fire service installations proposal.
- (6) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (7) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (8) No reversing of vehicles into or out of the site is allowed.
- (9) No vehicle queuing on public road is allowed.
- (10) Maintenance of the existing drainage facilities implemented on the site.
- (11) Submission of a record of existing drainage facilities on the site.
- (12) Submission and implementation of run-in/out proposal.

**Similar Applications in the Same “R(B)1” Zone on the OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/473	Proposed Temporary Retail Shop for Selling Stationery and Paper Products for a Period of 3 Years	7.5.2010 Approved for 1 year [revoked on 7.2.2011]	(1), (2), (3), (4), (5), (6), (7), (8)
2	A/YL-TYST/709	Proposed Temporary Eating Place (Small Restaurant) and Shop and Services (Convenience Store/Supermarket and Laundry and Real Estate Agency) for a Period of 3 Years	17.4.2015	(1), (4), (5), (6), (9), (10), (12)
3	A/YL-TYST/785	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	8.4.2016 [revoked on 8.10.2017]	(1), (3), (4), (5), (6), (7), (10), (12)
4	A/YL-TYST/799	Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries) for a Period of 3 Years	12.8.2016	(1), (2), (3), (4), (5), (6), (7), (9), (10), (13)
5	A/YL-TYST/820#	Proposed Temporary Shop and Services (Retail Shop for Metal and Home Appliance) for a Period of 3 Years	23.12.2016	(1), (2), (4), (5), (6), (7), (9), (10), (11), (13)
6	A/YL-TYST/859	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.11.2017	(1), (4), (5), (6), (7), (10), (11), (12)

Remarks:

# Straddling “R(B)1” and “R(D)” zones

**Approval Condition(s):**

- (1) No night-time operation between specific hours.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and tractors/trailers are allowed for the operation of the site.

- (3) Submission and/or implementation of (accepted) landscape proposal.
- (4) Submission of drainage proposal/records of the existing drainage facilities and implementation of the drainage proposal.
- (5) Submission and/or implementation of (accepted) water supplies for firefighting and/or fire service installations proposal.
- (6) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (7) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (8) Submission of run-in/out proposal and provision of run-in/out.
- (9) No vehicle queuing and/or reversing of vehicles into or out from the site/public road are allowed.
- (10) Maintenance of existing/implemented drainage facilities on the site.
- (11) Maintenance of existing trees and landscape plantings on the site.
- (12) No vehicle is allowed to park/store on or enter/exit the site.
- (13) Provision of boundary fence on the site.

### **Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejected reason(s)</u></b>
1	A/YL-TYST/915	Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	21.9.2018	(1), (2), (3)

### **Rejected reason(s):**

- (1) The proposed development is not in line with the planning intention of the “Residential (Group B)1” zone, which is intended primarily for sub-urban medium-density residential developments.
- (2) No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (3) The scale of the proposed motor-vehicle showroom is excessive, and the applicant fails to demonstrate the need for the proposed development in the area.

**Advisory clauses**

- (a) prior planning permission should have been obtained before commencing the proposed development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises of a New Grant Lot and 8 Old Schedule Agricultural Lots (OSALs). Lot 1152 S.C. RP in D.D. 121 is held under Tai Po New Grant No. 7133 for agricultural purposes. The OSALs were 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 government land (GL) (about 7m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. Lots 1141 S.D RP (Portion), 1142 S.I (Portion) and 1152 S.C RP in D.D. 121 within the Site are covered by Short Term Waiver (STW) No. 1476 to permit structures erected thereon for the purpose of 'metal works factory'. The Site is accessible from Tong Yan San Tsuen Road via 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 STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. The owner(s) of the lot(s) without STW will need to 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant Short Term Tenancy for use of the Site. 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 is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water flowing from the Site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen Road;
- (f) to note the comments of the Director of Environmental Protection that the applicant should follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (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 layout plans should be drawn to scale and depicted with

dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with 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 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 BD, 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 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 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 BD 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 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.