

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>Rejection Reason(s)</u>
1	A/DPA/YL-TYST/84	Open Storage of Marble Materials with Ancillary Workshop	9.2.1996	(1), (2), (3)
2	A/YL-TYST/6	Temporary Open Storage of Construction Materials for 12 months	9.5.1997 [on review]	(1), (2), (3), (4)
3	A/YL-TYST/13	Temporary Open Storage of Construction Materials for 12 months	16.5.1997	(1), (2), (3), (4)

Rejection Reason(s):

- (1) No strong justification for a departure from the planning intention.
- (2) Not compatible with the surrounding rural uses/nearby residential structures.
- (3) No/insufficient information to demonstrate that the development would not generate adverse environmental and/or traffic impacts on the surrounding areas.
- (4) Setting an undesirable precedent.

**Similar Applications within/straddling the subject “R(D)” or “R(B)1” Zones
in the past five years**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TYST/1095 [#]	Proposed Temporary Shop and Services and Wholesale of Carpet for a Period of 3 Years	25.6.2021 [revoked on 25.11.2023]
2	A/YL-TYST/1120	Proposed Temporary Shop and Services for a Period of 3 Years	12.11.2021 [revoked on 12.8.2023]
3	A/YL-TYST/1127	Proposed Temporary Shop and Services for a Period of 3 Years	14.1.2022
4	A/YL-TYST/1186	Proposed Temporary Shop and Services for a Period of 3 Years	11.11.2022
5	A/YL-TYST/1216	Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years	23.6.2023 [revoked on 11.10.2024]
6	A/YL-TYST/1219	Temporary Shop and Services for a Period of 3 Years	14.7.2023 [revoked on 14.4.2025]
7	A/YL-TYST/1248 [#]	Proposed Temporary Shop and Services and Wholesale of Carpet for a Period of 3 Years	12.1.2024
8	A/YL-TYST/1294	Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years	10.1.2025
9	A/YL-TYST/1329	Proposed Temporary Shop and Services for a Period of 3 Years	19.12.2025
10	A/YL-TYST/1335	Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years	7.11.2025
11	A/YL-TYST/1336	Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 3 Years	7.11.2025
12	A/YL-TYST/1343	Proposed Temporary Shop and Services and Associated Excavation of Land for a Period of 3 Years	6.2.2026
13	A/YL-TYST/1351	Proposed Temporary Shop and Services and Eating Place for a Period of 3 Years	22.5.2026

Remarks:

Straddling the adjacent “Government, Institution or Community” zone.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason</u>
1	A/YL-TYST/1064	Proposed Temporary Shop and Services for a Period of 3 Years	22.1.2021	(1)
2	A/YL-TYST/1116	Proposed Temporary Shop and Services for a Period of 3 Years	29.10.2021	(1), (2)

Rejection Reason:

- (1) No strong planning justifications provided for a departure from the planning intention of the “R(D)” zone.
- (2) The scale of the proposed development is excessive and the applicant fails to justify the height of the proposed structure/the need for the large open areas of the site.

Government Departments' General Comments

1. Traffic

(a) Comments of the Commissioner for Transport (C for T):

No adverse comment on the application from traffic engineering perspective.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

No objection to the application.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application; and
- no substantiated environmental complaint concerning the application site (the Site) was received in the past three years.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no in-principle objection to the application from a drainage point of view provided that all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected;
- should the application be approved by the Town Planning Board (the Board), approval conditions requiring the submission, implementation and maintenance of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Board should be stipulated; and
- the applicant should note his advisory comments at **Appendix V**.

4. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- the applicant should note his advisory comments at **Appendix V**.

5. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application; and
- it is noted that six structures are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

6. **Long-Term Development**

(a) Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- the Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan of YLS promulgated in May 2020, the Site falls within an area zoned “Residential – Zone 5” and shown as ‘Road’; and
- the objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of three years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

(b) Comments of the Project Manager (West) (PM(W)), CEDD:

No objection on the application.

7. **District Officer’s Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any feedback from locals.

8. Other Departments

The following departments have no comment on/no objection to the application:

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Director of Agriculture, Fisheries and Conservation (DAFC);
- Commissioner of Police (C of P); and
- Director of Electrical and Mechanical Services (DEMS).

Recommended Advisory Clauses

- (a) the planning permission is given to the development/use(s) and structures under application. It does not condone any other development/use(s) (i.e. storage use) not covered by the application. Immediate action should be taken to discontinue such development/use(s) and remove such structures not covered by the permission;
- (b) to note that the application site (the Site) might be resumed at any time during the planning approval for implementation of government projects;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (d) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) consent of the owners/managing departments of the local track should be obtained for using it as the vehicular access to the Site; and
 - (ii) sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) his department shall not be responsible for the maintenance of any access connecting the Site and Long Hon Road; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) 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 his department should be followed to minimise any potential environmental nuisances on the surrounding areas;
 - (ii) licensed collectors should be arranged to collect and dispose the sewage and waste from the proposed use; and
 - (iii) appropriate pollution control measures outlined in the Professional Persons Environmental Consultative Committee (ProPECC) Practice Notes (PN) 2/24 ‘Construction Site Drainage’ should be implemented to minimise any potential environmental impacts on nearby water bodies during the construction of the project;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that:
 - (i) there is a natural watercourse to the east of the Site; and
 - (ii) while the applicant has committed to follow good practices to minimize impact on the nearby watercourse water quality during the construction stage, the applicant is also advised to take appropriate measures to prevent disturbing or polluting the watercourse during the operation phase;

- (h) to note the comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval;
 - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) if the proposed structures are 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;
- (i) to note the general comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the Site is in the vicinity of an existing streamcourse and the applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
 - (ii) the applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction. Furthermore, as natural watercourses in village areas are within the jurisdiction of Home Affairs Department (HAD) under ETWB TCW No. 14/2004, comments from HAD should be sought;
 - (iii) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected; and
 - (iv) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, please submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) 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;
 - (ii) 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 building plan submission stage;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
 - (iv) 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;

- (v) any temporary shelters or converted containers for office, storage, washroom or other uses considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
- (vi) detailed checking under the BO will be carried out at building plan submission stage.