

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-PH/130	Temporary open storage of building materials (glass sheets) for a period of 12 months	27.2.1998 (on review)	(1), (2), (3)
2	A/YL-PH/265	Temporary open storage of building materials (glass sheets) for a period of 12 months	12.3.1999	(1), (2), (3)
3	A/YL-PH/321	Temporary open storage of building materials (glass sheets) for a period of 3 years	3.3.2000 (revoked on 3.12.2000)	(1), (2), (3), (4)
4	A/YL-PH/349	Temporary Open Storage of New Vehicles (Light Goods Vehicles and Private Cars) Prior to Sale for a Period of 3 Years	22.12.2000	(1), (2), (3), (4)
5	A/YL-PH/455*	Temporary Open Storage of New Vehicles (Light Goods Vehicles and Private Cars) Prior to Sale for a Period of 3 Years	9.1.2004 (for a period of 12 months)	(1), (2), (3), (4)
6	A/YL-PH/488*	Temporary Open Storage of New Vehicles (Light Goods Vehicles and Private Cars) Prior to Sale for a Period of 3 Years	28.1.2005 (for a period of 12 months)	(1), (2), (3), (4), (5)
7	A/YL-PH/514*	Temporary Open Storage of New Vehicles (Light Goods Vehicles and Private Cars) Prior to Sale for a Period of 3 Years	9.6.2006 (for a period of 1 year) (on review)	(1), (2), (3), (4), (5)

**As the then TPB PG-No. 13C / D encouraged the phasing out of the existing non-conforming operation for sites within Category 4 areas, a shorter approval period of 12 months instead of the 3 years sought was recommended to provide time for the use to relocate to other suitable location*

Approval Conditions

- (1) Submission / implementation of landscape proposal / maintenance of landscape planting
- (2) Submission / implementation of drainage proposal / provision of drainage facilities / maintenance of drainage facilities
- (3) Reinstatement of the application site upon expiry of the planning permission
- (4) If any of the planning conditions was not complied with by the specified time limit / during the

planning approval period, the approval given shall cease to have effect and shall on the same date be revoked without further notice

- (5) No vehicle repairing, maintenance and dismantling

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC / TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-PH/541	Temporary Open Storage of Private Cars Prior to Sale for a Period of 3 Years	27.7.2007 9.11.2007 (on review)	(1), (2)
2	A/YL-PH/563	Temporary Car Trading for a Period of 2 Years	20.6.2008 26.9.2008 (on review) Dismissed by Appeal Board on 17.1.2011	(1), (2), (3)

Rejection Reasons

- (1) The continued occupation of the site for temporary open storage use was not in line with the planning intention of the "V" zone.
- (2) The development was not in line with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" in that the site fell within a Category 4 area, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible. Sufficient time had already been given for relocating the use to other locations. There was no information in the submission to demonstrate why suitable sites within the "Open Storage" zone could not be made available for the applied use.
- (3) Approval of the application would set an undesirable precedent for other similar uses to proliferate into this part of the "V" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Similar Applications for Shop and Services within the Same “V” Zone
on the Pat Heung Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition (s)</u>
1	A/YL-PH/672	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years	6.9.2013 (for a period of 3 years)	(2), (7), (8), (9)
2	A/YL-PH/708	Proposed Temporary Shop and Services for a Period of 3 Years	16.1.2015 (revoked on 16.4.2017)	(2), (3), (4), (7), (8), (9), (10)
3	A/YL-PH/744	Proposed Temporary Shop and Services (Provision Store) for a Period of 3 Years	23.6.2017	(2), (3), (4), (7), (8), (9), (10), (11)
4	A/YL-PH/788	Proposed Temporary Shop and Services (Daily Supplies and Food Retail Shop) for a Period of 3 Years	7.9.2018	(2), (4), (7), (8), (9), (10), (11)
5	A/YL-PH/813	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.7.2019	(2), (4), (7), (9)
6	A/YL-PH/816	Proposed Temporary Shop and Services for a Period of 3 Years	4.10.2019	(2), (4), (7), (9), (10), (11), (12)
7	A/YL-PH/839	Renewal of Planning Approval for Temporary Shop and Services (Provision Store) for a Period of 3 Years	12.6.2020	(2), (3), (4), (7), (9), (11)

Approval conditions

- (1) No workshop, vehicle repairing, maintenance and dismantling activities
- (2) Restriction on operation hours
- (3) Submission / implementation of tree preservation proposal / maintenance of landscape planting / maintenance of existing trees
- (4) Submission / implementation of drainage proposal / maintenance of drainage facilities / submission of a record of existing drainage facilities
- (5) Provision of fire extinguisher
- (6) Submission / implementation of vehicular access proposal
- (7) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (8) Reinstatement of the site to an amenity area
- (9) Submission / implementation of fire service installations proposal / maintenance of existing fire service installations in efficient working order

- (10) No medium or heavy goods vehicles exceeding 5.5 tonnes allowed
- (11) No vehicle is allowed to queue back to or reverse onto / from public road
- (12) Submission / implementation of run-in / out proposal

Advisory clauses

- (a) note DLO/YL's comments that the Site comprises GL and Old Schedule Agricultural Lots 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 94.5m² subject to verification) included in the Site. Any occupation of GL with the Government's prior approval is not allowed. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or obtain a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD 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 rent or fee, as may be imposed by the LandsD;
- (b) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (d) 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 DEP to minimize any potential environmental nuisances;
- (e) note D of FS' comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, 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. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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;
- (f) note CBS/NTW, BD's comments 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 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 UBW. An Authorized Person (AP) 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

- (g) note CE/C, WSD's comments that no structure shall be erected within the Water Works Reserve (WWR) (**Plan A-2** of the RNTPC paper) and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the WWR with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the WWR are required to seek prior authorization from the Water Authority. The Government shall not be liable to any damage or loss whatsoever and howsoever caused arising from bursting or leakage of the public water mains within and / or in vicinity of the Site.