

Previous s.16 Applications covering the Application Site

Approved Application

| | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</u> |
|---|-------------------------------|---|---|---|
| 1 | A/YL-PH/754 | Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years | 22.9.2017 | (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) |

Approval Conditions

- (1) Restriction on operation hours
- (2) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (3) No medium and heavy goods vehicles exceeding 5.5 tonnes are allowed
- (4) The existing boundary fencing shall be maintained
- (5) No vehicle is allowed to queue back to or reverse onto / from public road at any time
- (6) Submission / implementation of drainage proposal / maintenance of drainage facilities
- (7) Submission / implementation of landscape proposal
- (8) Submission / implementation of fire service installations proposal
- (9) Revocation of planning approval if any of the planning conditions are not complied with during the planning approval period / by the specified date
- (10) Reinstatement of the application site upon expiry of the planning permission

Rejected Application

| | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Rejection Reasons</u> |
|---|------------------------|---|---|--------------------------|
| 1 | A/YL-PH/622 | Temporary Vehicle Repair Workshop for a Period of 3 Years | 23.9.2011 13.1.2012 (on review) | (1), (2), (3) |

Rejection Reasons

- (1) the development was not in line with the planning intention of the "Agriculture" ("AGR") zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis
- (2) the application did not comply with the Town Planning Board Guidelines No. 13E in that no previous planning approval had been granted for the applied use on the site, no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The proposed development was also not compatible with the agricultural and rural residential uses in the surrounding areas
- (3) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area

**Appendix III of
RNTPC Paper No. A/YL-PH/851**

**Similar Application within the Same “AGR” Zone
on the Pat Heung Outline Zoning Plan**

Approved Application

| | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</u> |
|---|-------------------------------|---|---|---|
| 1 | A/YL-PH/766 | Proposed Temporary Shop and Services (Sales of Vehicle Parts) for a Period of 3 Years | 2.3.2018 | (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) |

Approval Conditions

1. Restriction on operating hours
2. No medium and heavy goods vehicles exceeding 5.5 tonnes are allowed
3. The existing boundary fencing shall be maintained
4. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed
5. No vehicle is allowed to queue back to or reverse onto / from public road at any time
6. Submission / implementation of tree preservation and landscape proposal
7. Submission / implementation of drainage proposal
8. Implementation of accepted fire service installations proposal
9. Revocation of planning approval if any of the planning conditions are not complied with during the planning approval period / by the specified date
10. Reinstatement of the application site upon expiry of the planning permission

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled 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. The lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on Site, if any. 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 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 the part of Kam Tai Road maintained by his office. Adequate drainage measures should be provided to prevent surface water running from the Site to the 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 the DEP; and
- (e) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

