

Previous Applications covering the Application Site

Approved Application

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/503	“G/IC”	Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	18.12.2015 (Revoked on 18.5.2018)	(1) to (11)

Approval Conditions

- (1) No night time operation.
- (2) Only private cars and light goods vehicles not exceeding 5.5 tonnes are allowed.
- (3) No cutting, dismantling or other workshop activity is allowed.
- (4) No queue back to or reverse onto/from public road.
- (5) Implementation of drainage proposal.
- (6) Maintenance of the implemented drainage facilities.
- (7) Submission and implementation of fire service installations proposal.
- (8) Submission and implementation of landscape proposal.
- (9) Provision of boundary fencing.
- (10) Revocation clauses.
- (11) Reinstatement clause.

Rejected Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Proposed Use</u>	<u>Date of Consideration</u>	<u>Main Reasons for Rejection</u>
A/YL-PS/8	“G/IC” & “V”	Temporary Private Car/Container Vehicle Park for a Period of 12 Months	20.6.1997	(1) to (5)
A/YL-PS/23	“G/IC” & V”	Temporary Public Lorry, Car and Container Trailer Park for a Period of 12 Months	12.6.1998 (TPB)	(1), (2), (4) & (5)

Rejection Reasons

- (1) Not in line with the planning intentions of the “G/IC” and “V” zones.
- (2) Incompatible with the village settlements to its immediate south and west.
- (3) Insufficient information to demonstrate that a satisfactory access road will be provided to serve the development.
- (4) Insufficient information on landscaping aspects (to address the visual impact of the development).
- (5) Undesirable precedent.

**Similar Applications within the Same “G/IC” Zone
on the draft Ping Shan OZP No. S/YL-PS/17**

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/483	“G/IC”	Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	17.7.2015 (Revoked on 17.10.2015)	(1), (2), (4) to (12)
A/YL-PS/530	“G/IC” & “V”	Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	13.1.2017 (Revoked on 13.4.2018)	(1), (3) to (12)
A/YL-PS/531	“G/IC” & “V”	Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	13.1.2017	(1), (3) to (12)
A/YL-PS/555	“G/IC” & “V”	Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	16.3.2018	(1), (3) to (12)

Approval Conditions

- (1) No night time operation.
- (2) Only private cars and light goods vehicles not exceeding 5.5 tonnes are allowed.
- (3) No medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed.
- (4) No cutting, dismantling or other workshop activity is allowed.
- (5) No queue back to or reverse onto/from public road.
- (6) Submission and/or implementation of drainage proposal.
- (7) Maintenance of the implemented drainage facilities.
- (8) Submission and implementation of fire service installations proposal.
- (9) Submission and implementation of landscape and/or tree preservation proposal.
- (10) Provision of boundary fencing.
- (11) Revocation clauses.
- (12) Reinstatement clause.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) shorter compliance periods are 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 application;
- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule 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. Lot No. 255 RP in D.D. 122 is covered by STW No. 4856 to permit temporary structures erected thereon for the purpose of “Temporary Shop and Wholesale of Construction Materials”. The Site is accessible from Tsui Sing Road via GL. His office does not provide maintenance work for 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 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 the LandsD;
- (e) to note the comments of the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD) that as the Site partly falls within West Rail Protection Boundary, the comments from MTRCL on the application should be sought;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no submission record received in his office for the structure existing at the Site. 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 (AP) 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 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. 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;
- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant is

advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites” (“COP”) to minimize any potential environmental nuisance. The applicant is reminded that it is his obligation to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;

- (h) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient spaces within the Site should be provided for manoeuvring of vehicles. The local track leading to the Site is not under TD’s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains. Currently, only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. Please note that HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD;
- (j) to note the comments of the Chief Engineer/Railway Development 2-2/Railway Development Office, Highways Department (CE/RD2-2/RDO, HyD) that the Site falls within the protection boundary of the West Rail Line. MTRCL should be consulted with respect to operation, maintenance, safety and future construction of the existing railway network;
- (k) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (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 FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the proposed trees are located in close proximity to the existing surface U-channel as indicated in the As-built Drainage Plan. The applicant is advised that a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) should be provided for each new tree planting. The applicant may refer to the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Application for Open Storage and Port Back-up Uses” published by PlanD for more information. In consideration of the site constraints and use, the applicant may wish to propose tree species with less vigorous root system or short life span habit in lieu of *Ficus microcarpa* should any tree require replacement; and
- (m) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department’s (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from the works/operations, the applicant should arrange its disposal properly at his own expenses. Proper licence/permit

issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.