

**Previous s.16 Applications covering the Site**

**Approved Applications**

| <b><u>Application No.</u></b> | <b><u>Zoning</u></b><br>(at the time of approval) | <b><u>Use/Development</u></b>  | <b><u>Date of Consideration</u></b>  | <b><u>Approval Conditions</u></b> |
|-------------------------------|---|--|--------------------------------------|-----------------------------------|
| A/YL-PS/483                   | “G/IC”  | Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years | 17.7.2015<br>(revoked on 17.10.2015) | (1) to (11)                       |
| A/YL-PS/531                   | “G/IC” and “V”                                    | Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years | 13.1.2017<br>(revoked on 13.6.2019)  | (1) to (11)                       |

**Approval Conditions**

- (1) No night-time operation
- (2) No vehicle exceeding 5.5 tonnes, coach, container vehicle/trailer is allowed to be parked/stored on the Site
- (3) No cutting, dismantling or other workshop activity is allowed
- (4) No vehicle is allowed to queue back to or reverse onto/from public road
- (5) Submission and/or implementation of drainage proposal
- (6) Maintenance of implemented drainage facilities
- (7) Submission and implementation of fire service installations proposal
- (8) Submission and implementation of tree preservation/landscape proposal
- (9) Provision of boundary fencing
- (10) Revocation clauses
- (11) Reinstatement clause

**Rejected Applications**

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

**Rejection Reasons**

- (1) Not in line with planning intention
- (2) Incompatible with surrounding land uses
- (3) Insufficient information to demonstrate that a satisfactory access road will be provided to serve the development
- (4) Insufficient information on landscaping aspects
- (5) Undesirable precedent

**Similar Applications within the same “G/IC” zone  
on the approved Ping Shan OZP No. S/YL-PS/18**

**Approved Applications**

| <b><u>Application No.</u></b> | <b><u>Zoning</u></b><br>(at the time of approval) | <b><u>Development/Use</u></b>  | <b><u>Date of Consideration</u></b><br><b><u>(RNTPC)</u></b> | <b><u>Approval Conditions</u></b> |
|-------------------------------|---|--|--|-----------------------------------|
| A/YL-PS/503                   | “G/IC”  | Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years | 18.12.2015<br><br>(revoked on 18.5.2018)                     | (1) to (11)                       |
| A/YL-PS/530                   | “G/IC” & “V”                                      | Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years | 13.1.2017<br><br>(revoked on 13.4.2018)                      | (1) to (11)                       |
| AYL-PS/555                    | “G/IC” & “V”                                      | Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years | 16.3.2018  | (1) to (11)                       |
| A/YL-PS/568                   | “G/IC”  | Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years | 7.9.2018   | (1) to (11)                       |

**Approval Conditions**

- (1) No night time operation
- (2) No vehicles exceeding 5.5 tonnes, including container tractors/trailers
- (3) No cutting, dismantling or other workshop activities
- (4) No queue back to or reverse onto/from public road
- (5) Submission and/or implementation of drainage proposal
- (6) Maintenance of the implemented drainage facilities
- (7) Submission and implementation of fire service installation proposal
- (8) Submission and implementation of landscape and/or tree preservation proposal
- (9) Provision of boundary fencing
- (10) Revocation clause
- (11) Reinstatement clause

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with other 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 Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The following private lots are currently covered by Short Term Waivers (STWs), details of which are listed below:

| <b>Lot No.<br/>in D.D. 122</b> | <b>STW No.</b> | <b>Permitted Use</b>                                      |
|--------------------------------|----------------|---|
| 255 RP and 262 RP              | STW 4856       | Temporary Shop and Wholesale of<br>Construction Materials |
| 261 RP                         | STW 4860       |   |
| 263                            | STW 4861       |   |

The Site is accessible from Tsui Sing Road via government land (GL) and private land. 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 regularisation 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 Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the Site. 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;
- (f) 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. 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;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of section 16 application by TPB does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on the tree works;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (i) to note the comments of the Director of Fire Services (D of FS) 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. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that 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 from BD should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised 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; and
- (k) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP").