

Previous Applications Covering the Site

Approved Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/DPA/YL-PS/49	Temporary Public Carpark for a Period of 2 Years	5.5.1995	(1) to (5) and (17)
A/YL-PS/53	Public Lorry and Car Park for a Period of 12 Months	14.5.1999	(1), (2), (6), (7) and (17)
A/YL-PS/296	Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 3 Years	27.7.2007 (for 12 Months) (revoked on 27.1.2008)	(7) to (17)
A/YL-PS/560	Temporary Shop for Retail and Wholesale of Construction Materials for a Period of 3 Years	15.6.2018	(1), (2), (3), (8), (9), (10), (15), (16), (17), (18)

Approval Conditions

- (1) The submission and implementation of landscaping proposal.
- (2) The provision/implementation of drainage facilities.
- (3) The provision of fencing.
- (4) The provision of hard paving on the proposed vehicular access road to the Site.
- (5) Provision of a vehicular access road restricted for use by vehicles not exceeding 7m in length.
- (6) Upgrading of the existing access road.
- (7) No vehicles without valid licences under Traffic Regulations/Road Traffic Ordinance would be allowed to be parked/stored on site
- (8) No night time operation
- (9) No dismantling and repairing of vehicles and other workshop activities
- (10) No goods vehicles exceeding 24 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked on site
- (11) The parking layout arrangement, as proposed by the applicant, should be adhered to
- (12) Maintenance of existing landscape planting on site
- (13) Maintenance of existing drainage facilities
- (14) Submission of the condition record of the existing drainage facilities
- (15) Submission and implementation of fire service installations proposals
- (16) Revocation clauses
- (17) Reinstatement clause
- (18) No queue back of vehicles or reverse onto/from public road

Rejected Application

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/52	Temporary Container Trailer, Tractor & Car Park for a Period of 12 Months	14.5.1999	(1) to (4)

Reasons for Rejection

- (1) Incompatible with the village settlements in the vicinity.
- (2) Existing access not satisfactory and the container traffic would pose a threat to the operation of the Light Rail Transit services.
- (3) No information to demonstrate that the use would have no adverse environmental and visual impacts on the surrounding areas.
- (4) Approval would set an undesirable precedent for other similar applications.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) 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. Lot No. 26 RP in D.D. 121 is covered by Short Term Waiver (STW) No. 5120 to permit structures erected thereon for the purpose of “Temporary Shop for Retail and Wholesale of Construction Materials”. Lots No. 25, 28 RP and 29 RP in D.D. 121 are covered by STW No. 5121 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) and Temporary Shop for Retail and Wholesale of Construction Materials”. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation 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 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 LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on the suitability for the use proposed in the application;
 - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
 - (iii) 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 BO;
 - (iv) 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 BD should be obtained, otherwise they

are UBW. An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with BO;

- (v) 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;
 - (vi) 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 B(P)R at the building plan submission stage;
- (e) to 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” (COP) issued by the Environmental Protection Department;
 - (f) 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;
 - (g) 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 water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Ping Kwai Road;
 - (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 location 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; and
 - (i) 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. 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, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. However, the applicant should be reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.