

Previous Applications Covering the Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
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) to (11)
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) to (11)

Approval Conditions

- (1) Restriction on operation hours.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed to be parked/stored on or exit/enter.
- (3) No workshop activities.
- (4) No queue back to or reverse onto/from public road.
- (5) Submission and implementation of drainage proposal or provision of drainage facilities.
- (6) Maintenance of implemented drainage facilities.
- (7) Submission and implementation of fire service installations proposal.
- (8) Submission and implementation of landscaping and tree preservation proposal.
- (9) Provision of boundary fencing.
- (10) Revocation clauses.
- (11) Reinstatement clause.

Rejected Applications

<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</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 3 Years	12.6.1998 (TPB)	(1), (2), (4), (5)
A/YL-PS/27	“G/IC” & “V”	Temporary Car Dismantling Workshop for a Period of 3 Years	26.6.1998 (TPB)	(1), (2), (4), (5)

Reasons for Rejection

- (1) Not in line with planning intentions.
- (2) Incompatible with the surrounding environment and/or village settlements.
- (3) Insufficient information to demonstrate that a satisfactory vehicular access will be provided.
- (4) Insufficient information to demonstrate no adverse visual and/or landscape impacts on the surrounding areas.
- (5) Approval of the application will set an undesirable precedent for other similar applications which will lead to general degradation of the area.

**Similar Applications within the Same “G/IC” Zone
on the Approved Ping Shan OZP No. S/YL-PS/18**

Approved Applications

<u>Application No.</u>	<u>Zoning</u>	<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/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), (2), (4) 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 (Revoked on 13.6.2019)	(1), (3) to (12)
A/YL-PS/568	“G/IC”	Proposed Temporary Shops for Retail and Wholesale of Construction Materials for a Period of 3 Years	7.9.2018	(1), (3) to (12)
A/YL-PS/593	“G/IC” & “V”	Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	4.10.2019	(1), (3) to (5), (7), (8), (11), (13), (14)

Approval Conditions

- (1) Restriction on operation hours.
- (2) Only private cars and light goods vehicles not exceeding 5.5 tonnes are allowed to enter/be parked on the Site.
- (3) No medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed to be parked/stored on or enter/exit
- (4) No workshop activities.
- (5) No queue back to or reverse onto/from public road.
- (6) Submission and/or implementation of drainage proposal.
- (7) Maintenance of implemented drainage facilities.
- (8) Submission and implementation of fire services installations proposal.
- (9) Submission and implementation of landscape proposal.
- (10) Provision of boundary fencing.
- (11) Revocation clauses.
- (12) Reinstatement clause.
- (13) Submission of condition record of existing drainage facilities.
- (14) Maintenance of existing fencing.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) 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 the prior approval of the Government;
 - (ii) Lot No. 256 in D.D. 122 is covered by Short Term Waiver (STW) No. 4857 to permit structures erected thereon for the purpose of “Temporary Shop and Wholesale of Construction Materials”;
 - (iii) Lot No. 258 RP in D.D. 122 is covered by STW No. 4753 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Shop and Wholesale of Construction Materials”; and
 - (iv) the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(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 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 LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) 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;
- (d) 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. Only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. His department shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD;
- (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. The

applicant is reminded that it is his obligation to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the drainage proposal should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system);
 - (ii) since there is no record of the said discharge path, the applicant should provide site photos to demonstrate its presence and existing condition;
 - (iii) cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be included;
 - (iv) standard details should indicate the sectional details of the proposed U-channel and catchpit/sand trap;
 - (v) adequate opening should be provided at walls or hoarding erected along the site boundary to intercept the existing overland flow passing through the Site;
 - (vi) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
 - (vii) the applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (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; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with BO;

- (ii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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;
- (iii) 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;
- (iv) 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 B(P)R at building plan submission stage;
- (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of B(P)R; and
- (vi) detailed checking under BO will be carried out at building plan submission stage.