

Previous Application Covering the Application Site (the Site)

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/401*	Proposed Temporary Wholesale Trade (Drinks) and Storage and Ancillary Office for a Period of 3 Years	12.5.2017 [revoked on 12.10.2019]	(1), (2), (3), (4), (5), (6), (7), (8)

* The majority part of the site falls within an area zoned "Open Storage" (99.66%) with a minor portion within an area zoned "Village Type Development" (0.34%).

Approval Condition(s):

- (1) No operation between 7:00 p.m. and 9:00 a.m. and on Sundays and public holidays.
- (2) No heavy goods vehicle is allowed to be parked/stored on or enter/exist the Site.
- (3) No vehicle is allowed to queue back to or reverse onto/from public road.
- (4) Provision of boundary fence on the Site.
- (5) Submission and implementation of a drainage proposal and maintenance of implemented drainage facilities.
- (6) Submission and implementation of fire service installations proposal.
- (7) Revocation of planning approval if any of the conditions is not complied with at any time or by the specified date.
- (8) Reinstatement of the Site to an amenity area upon the expiry of the planning permission.

Similar Application within the Same “OS” Zone on the OZP

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/449*	Proposed Temporary Wholesale Trade (Metal Ware) for a Period of 3 Years	22.2.2019	(1), (2), (3), (4), (5), (6), (7), (8)

* The majority part of the site falls within an area zoned “Open Storage” (96.84%) with a minor portion within an area zoned “Recreation” (3.16%).

Approval Condition(s):

- (1) No operation between 5:00 p.m. and 10:00 a.m..
- (2) No manufacturing, retail, car washing, car repairing or other workshop activities is allowed on the application site (the Site).
- (3) No vehicle is allowed to queue back to or reverse onto/from public road.
- (4) No vehicle is allowed to be parked/stored on the Site between 5:00 p.m. and 10:00 a.m.
- (5) Provision of boundary fence on the Site.
- (6) Submission and implementation of a drainage proposal and maintenance of implemented drainage facilities.
- (7) Submission and implementation of fire service installations proposal.
- (8) Revocation of planning approval if any of the conditions is not complied with at any time or by the specified date.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) should you 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 applications;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises of 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. The Site is accessible from Kiu Hing Road via Government land (GL) and private land. Her office does not provide maintenance works for the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at her 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 her department;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kiu Hing Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space within the Site should be provided for manoeuvring of vehicles. No parking of vehicle on public road is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface 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 Kiu Hing Road;
- (f) to note the comments of the Director of Environmental Protection that 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 Environmental Protection Department should be followed to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted 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 also be clearly marked on the layout plans. However, if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorised building works (UBW) under BO and should not be designated for any proposed use under the application. 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. 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 the BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with 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.