

**Similar Applications within
the subject “V” Zone on the OZP**

Approved Application(s)

	<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/310	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.3.2013	(2), (3), (4), (5), (7)
2	A/YL-TT/371	Renewal of Planning Approval for Temporary “Shop and Services (Real Estate Agency)” for a Period of 3 Years	5.2.2016	(3), (4), (5), (7), (13)
3	A/YL-TT/423	Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years	2.3.2018 [revoked on 2.3.2019]	(1), (3), (4), (6), (8), (9), (10), (11), (12), (14)
4	A/YL-TT/433	Temporary Private Car Vehicle Park and Temporary Private Residential Estate Guard House for a Period of 3 Years	3.8.2018 [revoked on 3.2.2019]	(1), (3), (4), (6), (7), (8), (9), (10), (11), (14)
5	A/YL-TT/455	Renewal of Planning Approval for Temporary “Shop and Services (Real Estate Agency)” for a Period of 3 Years	1.2.2019	(3), (5), (7), (13)

Approval Condition(s):

- (1) Submission and implementation of drainage proposal.
- (2) Provision of fire extinguisher.
- (3) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (4) Reinstatement of the application site upon expiry of planning permission.
- (5) Restriction on certain workshop activities at the site.
- (6) Submission and implementation of run-in/out proposal.
- (7) Submission and implementation of fire service installations.
- (8) Only private cars are allowed to be parked/stored on or enter/exit the site.
- (9) No vehicles without valid licences are allowed to be parked/stored on the site.
- (10) A notice shall be posted at a prominent location of the site to indicate that only private cars are allowed to be parked/stored on or enter/exit the site.
- (11) No queuing and reverse movement of vehicles onto public road are allowed.
- (12) Restriction on certain workshop activities at the site.
- (13) No parking of vehicles is allowed on the site.
- (14) Maintenance of existing/implemented drainage facilities and/or submission of a record of the existing drainage facilities.

Rejected Application(s)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/45	Temporary Lorry Park Up to End of July 1999	23.4.1999 (On review)	(1), (2), (3), (4)

Rejection Reason(s):

- (1) The proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone which is to designate existing recognised and other villages and areas of land considered suitable for village expansion. No strong justification has been given in the submission for a departure from such planning intention, even on a temporary basis.
- (2) The proposed development was not compatible with the surrounding rural area and the nearby village houses.
- (3) There was no information in the submission on vehicular access arrangement and the layout of the proposed lorry park.
- (4) The approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the environment of the area.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises Government Land (GL) and 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. No permission is given for occupation of GL (about 60 m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. It is also noted that an access road connecting the lot and Sham Chung Road is proposed to be built on GL. There is no guarantee that a right-of-way over GL will be granted. In addition, according to the established practice, application of Short Term Tenancy for the purpose of access on GL will not be entertained, even if the planning application is approved by the Board. The lots 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. Furthermore, the GL portion should be excluded from the Site. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (d) 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 the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Sham Chung Road;
- (e) to note the comments of the Director of Environmental Protection that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storages Sites" issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding areas;
- (f) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) shall 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 be clearly marked on the layout plans. 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
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 BO. An Authorised Person 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 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 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. 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 the B(P)R at the building plan submission stage. 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 the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage.