

Previous Applications Covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/785	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	8.4.2016 [revoked on 8.10.2017]	(1), (2), (3), (4), (5), (6), (7), (8)
2	A/YL-TYST/859	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.11.2017	(1), (2), (4), (6), (7), (8), (9), (10)

Approval Conditions

- (1) No operation between specific hours is allowed on the site.
- (2) No vehicle is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period.
- (3) Submission of a revised drainage proposal and implementation of drainage proposal.
- (4) Maintenance of the existing/implemented drainage facilities on the site.
- (5) Submission and implementation of landscape and tree preservation proposals.
- (6) Submission and/or implementation of the (accepted) fire service installations proposal.
- (7) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (8) Reinstatement of the application site upon expiry of planning permission.
- (9) Maintenance of the existing trees and landscape plantings on the site.
- (10) Submission of records of the existing drainage facilities on the site.

Similar Applications in the Same “R(B)1” Zone on the OZP

Approved Applications

	<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-TYST/445*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	7.8.2009 [revoked on 7.6.2012]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TYST/473	Temporary Retail Shop for Selling Stationery and Paper Products for a Period of 3 Years	7.5.2010 Approved for 1 year [revoked on 7.2.2011]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-TYST/622*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	7.12.2012	(1), (2), (4), (5), (6), (7), (8), (9), (10)
4	A/YL-TYST/709	Proposed Temporary Eating Place (Small Restaurant) and Shop and Services (Convenience Store/Supermarket and Laundry and Real Estate Agency) for a Period of 3 Years	17.4.2015 [revoked on 17.10.2016]	(1), (4), (5), (6), (9), (10), (12)
5	A/YL-TYST/767*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	18.12.2015	(1), (2), (4), (5), (6), (7), (8), (9), (10)
6	A/YL-TYST/799	Temporary Shop and Services (Retail Shop for Hardware Accessories) for a Period of 3 Years	12.8.2016	(1), (2), (3), (4), (5), (6), (7), (9), (10), (13)
7	A/YL-TYST/820#	Proposed Temporary Shop and Services (Retail Shop for Metal and Home Appliance) for a Period of 3 Years	23.12.2016	(1), (2), (4), (5), (6), (7), (9), (10), (11), (13)
8	A/YL-TYST/940*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	1.2.2019	(1), (2), (4), (5), (6), (9), (10)
9	A/YL-TYST/973	Temporary Shop and Services (Retail Shop for Hardware Accessories) for a Period of 3 Years	16.8.2019	(1), (2), (3), (4), (5), (6), (7), (9), (10), (13)

Remarks:

Straddling “R(B)1” and “R(D)” zones

* Straddling “R(B)1” and “G/IC” zones

Approval Condition(s):

- (1) No night-time operation between specific hours.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and tractors/trailers are allowed for the operation of the site.
- (3) Submission and/or implementation of (accepted) landscape proposal.
- (4) Submission of (revised) drainage proposal/records of the existing drainage facilities and implementation of the drainage proposal.
- (5) Submission and/or implementation of (accepted) water supplies for firefighting and/or fire service installations proposal.
- (6) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (7) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (8) Submission of run-in/out proposal and provision of run-in/out.
- (9) No vehicle queuing and/or reversing of vehicles into or out from the site/public road are allowed.
- (10) Maintenance of existing/implemented drainage facilities on the site.
- (11) Maintenance of existing trees and landscape plantings on the site.
- (12) No vehicle is allowed to park/store on or enter/exit the site.
- (13) Provision of boundary fence on the site.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejected reason(s)</u>
1	A/YL-TYST/915	Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	21.9.2018	(1), (2)

Rejected reason(s):

- (1) The proposed development is not in line with the planning intention of the “Residential (Group B)1” zone, which is intended primarily for sub-urban medium-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The scale of the proposed motor-vehicle showroom is excessive, and the applicant fails to demonstrate the need for the proposed development in 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 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. Within the Site, the GL and Lots 1023 S.B RP, 1033 S.C and 1034 S.A RP in D.D. 121 are currently covered by Short Term Tenancy (STT) No. 3068 and Short Term Waiver (STW) No. 4678 respectively to permit structures erected thereon for the purpose of “Temporary Shop and Services (Real Estate Agency)”. The STW/STT holder(s) will need to apply to her office for modification of the STW/STT 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. Applications for any of the above will be considered by her department 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 rent or fee, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Tong Yan San Tsuen Road/Shan Tsuen 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 should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road is allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Transport Department has proposed road widening works at the entrance of the Site abutting Tong Yan San Tsuen Road. The traffic to and from the Site may be affected during the course of the road widening works despite that his department will implement the necessary temporary traffic arrangement to minimise the impact. 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 Tong Yan Shan Tsuen Road;
- (e) to note the comments of the Director of Environmental Protection that the 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 on the surrounding areas;
- (f) 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. 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;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the 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 the 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. 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 BA 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. 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; and
- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the Site falls within the boundary of the proposed Yuen Long South (YLS) development - Stage 4. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.