

Previous Applications Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/151	Temporary open storage of vehicles and spare parts for a period of 3 years	16.11.2001 [revoked on 16.2.2002]	(1), (2), (3), (4), (5), (6)
2	A/YL-TYST/179	Proposed temporary open storage of wood and plastic materials for a period of 3 years	22.11.2002 [revoked on 22.2.2004]	(1), (2), (3), (4), (7), (8), (9)
3	A/YL-TYST/203	Temporary open storage of scrap metal and plastic materials for a period of 3 years	16.5.2003 [revoked on 16.11.2003]	(1), (2), (3), (4), (7), (9), (10), (11)
4	A/YL-TYST/655	Temporary warehouse and open storage for storage of construction materials and machinery with ancillary site office for a period of 3 years	17.1.2014 [revoked on 17.2.2016]	(1), (2), (3), (4), (10), (11), (12), (13), (14)
5	A/YL-TYST/747	Temporary warehouse for storage of exhibition materials for a period of 3 years	7.8.2015	(1), (2), (3), (4), (7), (10), (11), (12), (13), (14)
6	A/YL-TYST/902	Temporary warehouse for storage of exhibition materials for a period of 3 years	20.7.2018 [revoked on 20.10.2020]	(3), (4), (10), (11), (12), (13), (14), (15), (16)

Approval Condition(s):

- (1) Submission and/or implementation of a landscaping/tree preservation proposals
- (2) Submission of drainage proposal and/or provision of drainage facilities.
- (3) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (4) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (5) Submission and implementation of environmental mitigation measures proposals.
- (6) Restriction on stacking height.
- (7) Design and/or provision of run-in/out.
- (8) Paving of the application site.
- (9) Painting of corrugated metal sheet fencing.
- (10) No night-time operation during specific time limit and/or no operation on Sundays and public holidays.
- (11) No workshop/cleaning/dismantling/repairing activities are allowed to be carried out on the site.
- (12) Submission and/or implementation of fire service installations proposal.
- (13) No vehicle queuing and no reverse movement of vehicles on public road(s) is allowed.
- (14) No medium and/or heavy vehicles or container vehicles/only light goods vehicles are allowed for the operation of the site.

- (15) Maintenance of existing trees and landscape planting.
- (16) Submission of drainage record and maintenance of existing drainage facilities.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/134	Temporary open storage of vehicles and spare parts for a period of 3 years	18.5.2001	(1)
2	A/YL-TYST/234	Temporary open storage of plastic materials with ancillary workshop for a period of 3 years	20.8.2004 on review	(1), (2), (3)

Rejection Reason(s):

- (1) No/Insufficient information in the submission to demonstrate that the development would not generate adverse environmental impact/the development would generate adverse environmental impact.
- (2) No/Insufficient information in the submission to demonstrate that the development would not generate adverse drainage impact.
- (3) The application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13C) in that the development is incompatible with the surrounding residential use.

**Similar Applications within/straddling the subject “O” and “R(A)3” Zones
on the Tong Yan San Tsuen OZP since 2015**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/770*	Temporary Warehouse and Open Storage of Escalator Parts for a Period of 3 Years	18.12.2015	(1), (3), (4), (5), (6), (7), (8), (10), (12), (13), (14), (16)
2	A/YL-TYST/800*	Temporary Warehouse for Storage of Household Products for a Period of 3 Years	12.8.2016 [revoked on 12.2.2018]	(1), (2), (3), (4), (5), (6), (7), (8), (13), (16)
3	A/YL-TYST/813*	Temporary Warehouse for Storage of Brand New Electronic Goods for a Period of 3 Years	14.10.2016	(1), (2), (3), (4), (5), (6), (7), (8), (12), (15), (16), (18), (19)
4	A/YL-TYST/862*	Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years	8.12.2017 [revoked on 8.6.2018]	(3), (4), (5), (7), (8), (9), (10), (14), (15), (16)
5	A/YL-TYST/884*	Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years	6.4.2018	(3), (4), (5), (7), (8), (9), (10), (14), (15), (16)
6	A/YL-TYST/938*	Temporary Warehouse for Storage of Household Products for a Period of 3 Years	1.2.2019 [revoked on 1.11.2019]	(2), (3), (5), (7), (8), (9), (10), (13), (16)
7	A/YL-TYST/986*	Temporary Warehouse for Storage of Household Products and Electronic Goods for a Period of 3 Years	1.11.2019	(2), (3), (5), (7), (8), (9), (10), (13), (15), (16)
8	A/YL-TYST/988*	Temporary Warehouse for Storage of Construction Material for a Period of 3 Years	15.11.2019	(3), (5), (7), (8), (9), (10), (13), (14), (15), (16)
9	A/YL-TYST/990*	Temporary Warehouse for Storage of Advertising Material, Construction Material, Electronic Goods and Household Product for a Period of 3 Years	15.11.2019	(2), (3), (5), (7), (8), (9), (10), (13), (15), (16)
10	A/YL-TYST/1040	Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years	15.9.2020	(2), (3), (5), (7), (8), (9), (10), (13), (16)
11	A/YL-TYST/1068	Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years	5.2.2021	(3), (6), (7), (9), (10), (14), (16), (20), (21), (22)

* Zoned “Undetermined” at the time of consideration by the RNTPC

Approval Condition(s):

- (1) Submission and/or implementation of (revised) landscape/tree preservation proposals.

- (2) Submission of (revised) drainage proposal and/or provision/implementation of drainage facilities/proposal.
- (3) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (4) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (5) Submission of proposals and/or provision of fire service installations/fire extinguisher/street fire hydrant or water tank.
- (6) Paving and/or provision/maintenance of boundary fencing on the site.
- (7) No (night-time) operation specific time limit and/or no operation on Sundays and public holidays.
- (8) No workshop/cleaning/dismantling/repairing/spraying activities are allowed to be carried out on the site.
- (9) Maintenance of existing trees/landscape planting on the site.
- (10) Maintenance of (implemented /existing) drainage facilities on the site.
- (11) Replacement planting of landscaping trees on the site.
- (12) No used electrical appliances/televisions/computer monitors/computer parts/ electronic parts (including cathode-ray tubes) or any other types of electronic waste are allowed to be stored/handled on the site.
- (13) No medium and/or heavy vehicles or container vehicles (trailers/tractors)/only light goods vehicles are allowed for the operation of the site.
- (14) Submission of a record of the existing drainage facilities implemented on the site.
- (15) No open storage is allowed on the site.
- (16) No vehicle queuing and no reverse movement of vehicles on public road(s) is allowed.
- (17) No material is allowed to be stored/dumped within 1m of any tree on the site.
- (18) Submission of run-in/out proposal and the provision of run-in/out.
- (19) No handling/storage/loading/unloading of electronic goods/electronic waste/used electrical/electronic appliances/ is allowed outside the concrete-paved covered structure(s) on the site.
- (20) No workshop activities are allowed on the site
- (21) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period
- (22) Implementation of fire services installations proposals

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. 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;
- (d) 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. Lot No. 1495 in DD. 119 is covered by Short Term Waiver (STW) No. 4365 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Exhibition Materials”. The GL within the Site is covered by Short Term Tenancy (STT) No. 2937 for the purpose of “Temporary Warehouse for Storage of Exhibition Materials”. 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;
- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kung Um 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 are allowed;
- (f) 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 Kung Um Road;
- (g) 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;
- (h) to note the comments of the Director of Fire Services that the installation/ maintenance/ modification/ repair work of fire service installation (FSI) shall be undertaken by an

Registered FSI Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance /modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. 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;

- (i) 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, etc.) 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. 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; and
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the majority of the Site falls within the boundary of Yuen Long South (YLS) Development – Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council's (ExCo's) authorisation on land resumption and Finance Committee's (FC's) funding approval of the project. Land clearance operation for the majority of the Site is tentatively targeted to commence in 2024. A very small portion of the Site near Kung Um Road falls within the boundary of YLS Development – Stage 2 Phase 1. Based on the latest programme of the project, the land clearance at the concerned part of the Site is planned to commence in mid-2022 subject to ExCo's authorisation on land resumption and FC's funding approval of the project by Q4 2021 and Q1 2022 respectively. The programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. The Site might be subject to land resumption for the implementation of the YLS Development – Stage 2 which might take place at any time before the expiry of the temporary planning permission. No substantial works should be carried out at the Site in view of the planned project. His department will give sufficient notice to relevant department(s) for early resumption of the Site if his department's works commence early.