

Previous Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/832	Temporary Vehicle Repair Workshop for a Period of 3 Year	28.7.2017	(1)

Rejection Reason(s):

- (1) Failure to demonstrate that the development would not cause adverse traffic impact on the surrounding area

Similar Applications in the “U” zone on the Approved Tong Yan San Tsuen OZP

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/90	Temporary Vehicle Repairing Workshop for a Period of 3 Years	14.4.2000 [revoked on 14.4.2001]	(1), (2), (3), (4), (5)
2	A/YL-TYST/133	Temporary vehicle repair workshop for a period of 3 years	14.9.2000	(1), (3), (4), (5), (6), (7), (8), (9)
3	A/YL-TYST/261	Temporary Vehicle Repair Workshop for a Period of 3 Years	3.12.2004	(4), (5), (11), (12)
4	A/YL-TYST/267	Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal for a Period of 3 Years	14.1.2005	(2), (3), (4), (5), (6), (8), (10), (11), (14)
5	A/YL-TYST/315	Temporary Open Storage of Construction Machinery and Materials, and Vehicle Repair Workshop for a Period of 3 Years	28.4.2006	(4), (5), (11), (12), (13), (16)
6	A/YL-TYST/339	Temporary Vehicle Repair Workshop for a Period of 3 Years	15.12.2006 [revoked on 15.6.2007]	(1), (2), (3), (4)
7	A/YL-TYST/373	Renewal of Planning Approval for Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal Uses for a Period of 3 Years	18.1.2008	(3), (4), (5), (10), (11), (12), (13), (16)
8	A/YL-TYST/393	Temporary Vehicle Repair Workshop for a Period of 3 Years	6.6.2008	(3), (4), (5), (11), (12), (16)
9	A/YL-TYST/398	Temporary Vehicle Repair Workshop for a Period of 3 Years	20.6.2008 approved for 1 year	(1), (2), (3), (4), (5), (8), (16)
10	A/YL-TYST/394	Temporary Vehicle Repair Workshop for a Period of 3 Years	18.7.2008 [revoked on 18.8.2010]	(1), (2), (3), (4), (5), (8), (17)
11	A/YL-TYST/437	Temporary Open Storage of Construction Machinery and Materials, and Vehicle Repair Workshop for a Period of 3 Years	10.7.2009	(2), (3), (4), (5), (11), (16), (18)
12	A/YL-TYST/510	Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Building/Recycling Materials and Construction Machinery for a Period of 3 Years	14.1.2011	(1), (3), (4), (5), (9), (12), (16), (19), (20)
13	A/YL-TYST/532	Renewal of Planning Approval for Temporary "Vehicle Repair Workshop" Use under Application No. A/YL-TYST/393 for a Period of 3 Years	3.6.2011	(3), (4), (5), (11), (12), (16), (21)

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14	A/YL-TYST/658	Proposed Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Packaging Activities for a Period of 3 Years	21.3.2014	(1), (3), (4), (5), (6), (8), (12), (16), (19), (20), (21), (23), (25), (26)
15	A/YL-TYST/734	Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years	5.6.2015	(3), (4), (5), (8), (11), (12), (16), (21), (22), (26)
16	A/YL-TYST/849	Temporary Open Storage of Construction Machinery and Containers with Ancillary Dismantling, Cleansing, Repairing and Workshop Activities for a Period of 3 Years	8.9.2017	(3), (4), (5), (7), (11), (12), (16), (22), (26)

Approval Conditions

- (1) Submission and/or implementation of (revised) landscape/tree preservation proposals.
- (2) Submission and/or implementation of (revised/accepted) drainage proposal and/or provision of drainage facilities.
- (3) No night-time operation and/or no operation on Sundays and public holidays.
- (4) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (5) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (6) Submission of drainage impact assessment/drainage study and provision of flood mitigation measures and drainage facilities.
- (7) Paving/fencing of the site.
- (8) No vehicle breaking/paint spraying activities should be carried out on the application site.
- (9) Submission and/or implementation of noise mitigation measures proposals.
- (10) Set back of the application site should be provided to avoid encroachment on the works limit of drainage channel.
- (11) Maintenance of (existing) trees and/or landscape planting on the site.
- (12) Maintenance of (implemented/existing) drainage facilities on the site and/or submission of records of the existing drainage facilities.
- (13) Submission and/or implementation of vehicular access point proposals.
- (14) Submission/design and/or implementation/provision of run-in/out (proposal).
- (15) No workshop activities should be carried out on the application site.
- (16) Submission of proposals and/or provision of fire service installations/fire extinguisher/street fire hydrant or water tank.
- (17) Submission and/or provision of water supplies for fire-fighting and fire service installations proposals
- (18) Replacement planting of landscaping trees on the site.
- (19) No storage or handling of electronic and computer wastes (including cathode-ray tubes) is allowed on the site.
- (20) Allow free public access to the existing footpath within the site.
- (21) Submission of a record of the existing drainage facilities implemented on the site.
- (22) No medium or heavy vehicles or container vehicles/only light goods vehicles are allowed for the operation of the site.
- (23) No storage or handling of used electrical appliances, computer/electronic parts
- (24) Provision of boundary fence on the application site.
- (25) No container tractors, trailers or containers are allowed to be stored/parked on the site.
- (26) No parking / vehicle queuing and no reverse movement of vehicles on public road(s) is allowed.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/131	Temporary car repair workshop for a period of 3 years	24.8.2001	(1), (2)
2	A/YL-TYST/246	Temporary Open Storage of Vehicles and Vehicle Repair Workshop for a Period of 3 Years	30.7.2004	(2), (4)
3	A/YL-TYST/257	Temporary Vehicle Repair Workshop for a Period of 3 Years	4.2.2005	(1), (2)
4	A/YL-TYST/270	Temporary Vehicle Repair Workshop for a Period of 3 Years	28.1.2005	(1), (2)
5	A/YL-TYST/271	Temporary Vehicle Repair Workshop for a Period of 3 Years	3.6.2005	(1), (2)
6	A/YL-TYST/319#	Temporary Vehicle Repair Workshop for a Period of 3 Years	8.9.2006	(1), (2), (5)
7	A/YL-TYST/354	Temporary Vehicle Repair Workshop for a Period of 3 Years	22.6.2007	(2)
8	A/YL-TYST/515	Proposed Temporary Vehicle (Private Car Only) Repair and Maintenance Workshop for a Period of 3 Years	28.1.2011	(2)

Remarks:

Straddling the adjacent "V" zone.

Rejection Reasons

- (1) The development is not compatible with the surrounding rural land uses (characterized by well-vegetated hill slopes, fallow agricultural land, pigsties, plant nursery and scattered residential structures).
- (2) Insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic, drainage, and/or fire safety impacts on the surrounding areas.
- (3) The application does not comply with the Town Planning Board Guidelines that the development is incompatible with the surrounding use.
- (4) The application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the development is incompatible with the surrounding residential use.
- (5) No strong justification is given in the submission for a departure from the planning intention of the "Village Type Development" zone, even on a temporary basis.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Site comprises an 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. No permission is given for occupation of Government land (GL) (about 15m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Kung Um Road via GL and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) 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(s) will be approved. If such application(s) 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;
- (d) to note the comments of the Commissioner for Transport that the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed. The land status of the access road/path/track leading to the Site at Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road. Also, adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (f) 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" issued by the Environmental Protection Department;
- (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. 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 also be clearly marked on the layout plans. The applicant is also reminded that 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;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized 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 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 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 Authorized 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; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.