

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/915	Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	21.9.2018	(1) , (2)

Rejection 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.

Similar Applications involving the subject “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/TPB)</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	Proposed 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), (5), (6), (7), (8), (9), (10), (12)
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	(1), (4), (5), (6), (9), (10), (11)
5.	A/YL-TYST/767*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	18.12.2015	(1), (2), (5), (6), (7), (8), (9), (10), (12)
6.	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), (3), (4), (5), (6), (7), (10), (11)
7.	A/YL-TYST/799	Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries) for a Period of 3 Years	12.8.2016	(1), (2), (3), (4), (5), (6), (7), (9), (10), (14)
8.	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), (10), (13), (14)
9.	A/YL-TYST/859	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.11.2017	(1), (5), (6), (7), (10), (11), (12), (13)

Remarks:

- * Straddling “R(B)1” and “G/IC” zones
- # Straddling “R(B)1” and “R(D)” 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 and implementation of (revised) 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) No vehicle is allowed to park/store on or enter/exit the site.
- (12) Submission of a record of existing drainage facilities on the site.
- (13) Maintenance of the existing trees and landscape plantings on the site.
- (14) Provision of boundary fence on the site.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. open storage of vehicles use) which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots (OSALs) (for Lots 638 RP (Part), 638 S.A RP, 1031, 1032 S.A, S.B & S.C, 1033 S.B, 1033 S.D (Part) in D.D. 121) and private lots (for Lots 1868 RP, 1868 S.A RP, 1868 S.B in D.D. 121) held under New Grant No. 808. The OSALs were 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 Sha Tseng Road via government land (GL) and private land. Her office provides no maintenance work 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 regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications of 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(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 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 at Sha Tseng Road shall 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. The applicant is reminded that sufficient space within the Site shall be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are 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 Sha Tseng Road;
- (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 Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant is advised that the approval of the landscape proposal does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval. The applicant is reminded of the importance of undertaking proper tree care for the existing trees. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for

reference in the following links: 護養樹木的簡易圖解 : http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf; 樹木管理手冊 : https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html; 樹木風險評估及管理安排: https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html; 護養樹木保障安全 : http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf; 減低樹木風險的樹木護養簡易圖解 : [http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);

- (h) 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; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of his department, 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 his department to effect their removal in accordance with his department'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 his department 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.