

Previous Applications covering the Application Site (the Site)

Approved Application

	<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/548	Temporary Site Office for a Period of 2 Years	7.10.2011 [Revoked on 7.7.2012]	(1), (2), (3), (4)

Remarks:

On "Comprehensive Development Area" ("CDA") zone only

Approval Conditions

- (1) No night-time operation and/or no operation on Sundays and public holidays.
- (2) Submission and implementation of fire service installations 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.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/623	Temporary Open Storage of Construction Materials for a Period of 3 Years	7.12.2012	(1), (2), (3)

Remarks:

Straddling "CDA" and "Residential (Group B)1" "R(B)1" zones

Rejection Reasons:

- (1) Not in line with the planning intention of the "CDA" and "R(B)1" zones. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- (2) Did not comply with the Town Planning Board Guidelines No. 13E.
- (3) Not compatible with the adjoining existing residential development and would generate adverse environmental impact on the existing and planned residential uses in the vicinity of the Site.

**Similar Applications within the subject “Residential (Group B)1” (“R(B)1”) Zone
on the Tong Yan San Tsuen Outline Zoning Plan**

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/58	Temporary Public Car Park for Private Cars for 12 Months	14.5.1999	(1), (2), (3), (4), (5)
2	A/YL-TYST/114	Public Car Park (not for temporary use)	22.9.2000	(2), (3), (4), (5)

Approval Conditions

- (1) No vehicles without valid licences are allowed to be parked/stored on the application site (the Site).
- (2) No lorries and container vehicles are allowed to be parked/stored on the Site.
- (3) Submission and implementation of landscaping proposals.
- (4) Provision of drainage facilities.
- (5) Reinstatement of the Site to an amenity area upon expiry of the planning permission.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/52	Temporary Container Tractor and Trailer, Lorry and Car Park for a Period of 12 Months	27.11.1998	(1), (2), (3), (4), (5)
2	A/YL-TYST/106	Temporary Vehicle Park for Private Cars, Lorries and Container Trailers for a Period of 3 Years	14.7.2000	(1), (2), (5), (6), (7)
3	A/YL-TYST/175	Temporary Vehicle Park for Parking of Container Trailers, Lorries, Coaches and Private Cars for a Period of 3 Years	13.9.2002	(2), (3), (4), (5)
4	A/YL-TYST/251	Temporary Vehicle Park for Parking of Private Cars, Lorries, Trucks, Mini-buses and School Buses for a Period of 3 Years	15.10.2004	(2), (4), (5), (8)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
5	A/YL-TYST/523	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	4.3.2011	(1), (9)

Rejection Reasons:

- (1) Not in line with the planning intention of the then “Residential (Group C)”/”R(B)1” zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- (2) Not compatible with the residential developments and the secondary schools located in the vicinity of the Site.
- (3) Road networks and junctions in the area are not designed to cater for traffic generated by container vehicles/long vehicles. The proposed use would attract additional long vehicles and impose constraints on the nearby road network.
- (4) Insufficient information in the submission to demonstrate that the development would not have adverse environmental and/or drainage and/or visual impacts on the surrounding areas.
- (5) Approval of the application would set an undesirable precedent for other similar applications.
- (6) Proposed vehicular access leading from Castle Peak Road is not satisfactory to serve heavy goods vehicles.
- (7) Insufficient information to demonstrate that the development will not cause adverse drainage impact on the surrounding areas.
- (8) Existing road geometry in the vicinity of the Site was not suitable for the manoeuvring of long vehicles. The development would potentially attract additional long vehicles to the nearby road networks.
- (9) Proposed development would generate environmental nuisance on the residential developments located in the immediate vicinity of 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) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises 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. The Site is accessible to Fui Sha Wai South Road via government land (GL). Her office provides no maintenance works 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 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. No construction of New Territories Exempted Building(s) will be considered or allowed. 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(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 sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads. The local track between Castle Peak Road – Ping Shan Section and Fui Sha Wai South Road is not under his department’s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (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 office shall not be responsible for the maintenance of any access connecting the Site and Fui Sha Wai South Road;
- (f) to note the comments of the Director of Environmental Protection that the applicant is reminded to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites” issued by the Environmental Protection Department;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains will be affected (**Plan A-2** of this RNTPC Paper). A waterworks reserve within 1.5m from the centerline of the water main shall be provided to her department. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all time for staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;

- (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 Buildings Ordinance (BO) (Cap. 123), detailed fire services 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 (BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are unauthorised building works (UBW) under BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by 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 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 B(P)R at the building plan submission stage.