

Previous Applications covering the Application 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/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), (8), 9), (10)

Approval Condition(s):

- (1) No night-time operation during specific hours (i.e. between 7:00 p.m. and 9:00 a.m.) is allowed on the site.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, are allowed for the operation of the application site.
- (3) Submission and implementation of landscape proposal.
- (4) Submission and implementation of drainage proposal.
- (5) Submission and/or implementation of (accepted) 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 the planning permission.
- (8) No vehicle queuing and/or reversing of vehicles into or out from the site/public road are allowed.
- (9) Maintenance of the existing drainage facilities implemented on the site.
- (10) 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/TPB)</u>	<u>Rejected reason(s)</u>
1	A/YL-TYST/421	Temporary Open Storage of Construction Materials for a Period of 3 Years	17.4.2009	(1), (2)

Rejected reason(s):

- (1) The continuous occupation of the site for open storage use was not in line with the planning intention of the "Residential (Group B)1" zone which was primarily for sub-urban medium-density residential developments in rural areas. There were no exceptional circumstances to justify approval and a departure from the planning intention, even on a temporary basis
- (2) The development did not comply with the TPB PG-No. 13E in that the development was not compatible with the nearby residential uses of Tong Yan San Tsuen, not in line with the intention of the Category 4 areas which was to encourage the phasing out of the non-conforming uses, and there was adverse departmental comment on the application.

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	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), (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	(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/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), (12)
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/859	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.11.2017	(1), (4), (5), (6), (7), (10), (11), (12)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
9	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)

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 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/TPB)</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), (3)

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.
- (2) No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (3) 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) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. logistics centre 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 that the Site comprises New Grant Lots. Lot No. 1816 in D.D 121 is a New Grant Lot which shall not be used for any purpose other than agricultural purpose. Lot No. 1820 in D.D 121 is a New Grant Lot which shall not be used for any purpose other than as an orchard. Lot Nos. 1816 and 1820 in D.D. 121 within the Site are covered by Short Term Waiver (STW) No. 4897 to permit structures erected thereon for the purpose of ‘Temporary Shop and Services (Retail Shop for Hardware Groceries)’. The Site is accessible from Tong Yan San Tsuen Road via Government land (GL) and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holder(s) will need to apply to her office for modification of the STW 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. 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 as 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 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 from Tong Yan San 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. The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking of vehicles on public road is 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 Tong Yan San Tsuen Road;
- (f) 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. All relevant ordinances in Hong Kong, including the Noise Control Ordinance and Waste Disposal Ordinance, should be complied with;
- (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). The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5m from the centreline of the aforementioned water mains shall be provided to her department. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. 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 Comments of the Director of Food and Environmental Hygiene that for any waste generated from the proposed operation, Section 4 & 9A under Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 BK) should be observed and proper disposal of refuse should be arranged at your own expenses;
- (i) 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;
- (j) 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 approval of BD, they are unauthorised building works (UBW) under 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 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. 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 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. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
- (k) 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.