

Previous Applications covering the Application Site

Replacement Page of RNTPC
Paper No. A/YL-TT/421
For Consideration by RNTPC
on 9.2.2018

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB/TPAB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/289	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.8.2011 [revoked on 19.2.2012]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TT/302	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.10.2013]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-TT/327*	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.12.2015 (allowed on appeal for 12 months) [revoked on 22.3.2016]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

* The application was rejected by the Board on review on 24.10.2014. The appeal of the Board's decision to reject the case on review was heard by the Appeal Board Panel (Town Planning) (TPAB) on 7.10.2015 and was allowed for a period of 12 months, instead of 3 years applied, subject to approval conditions (with shorter compliance periods).

Approval Condition(s):

- (1) No night-time operation during specific time limit, as proposed by the applicant, is allowed on the site.
- (2) Submission and/or implementation of (accepted) run-in/out proposal.
- (3) Submission and/or implementation of landscaping and tree preservation proposal.
- (4) Submission and/or implementation drainage proposal.
- (5) Submission and/or implementation of fire service installations proposal.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) Submission and implementation of parking arrangement proposal.
- (9) No open storage at the uncovered areas is allowed on the site.
- (10) No queuing and reverse movement of vehicle are allowed on public road.
- (11) No car repair business, nor any activity not permitted by the planning permission shall be carried on in the site.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB/TPAB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/344	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.5.2015 (on review)	(1), (2)
2	A/YL-TT/357	Tempoary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 Years	3.6.2016 25.8.2017 (dismissed on appeal)	(1), (2)

Rejection Reason(s):

- (1) Failure to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area; and
- (2) Previous planning permissions granted to the applicant under Applications No. A/YL-TT/289 and 302 were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

Similar Applications within the Same “V” Zone on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/301	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.7.2014]	(1), (2), (3), (4), (5), (6), (7) (8)
2	A/YL-TT/343	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.1.2015	(1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13)
3	A/YL-TT/384	Proposed Temporary Shop and Services (Local Provision Store with Ancillary Storage Area and Real Estate Agency) for a Period of 3 Years	29.7.2016	(1), (3), (4), (5), (6), (9), (14)
4	A/YL-TT/418	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.1.2018	(1), (5), (6), (7), (9), (10), (12), (13)

Approval Condition(s):

- (1) No night-time operation during specific time limit is allowed on the site.
- (2) Submission and/or implementation of (accepted) run-in/out proposal.
- (3) Submission and/or implementation of landscaping and tree preservation proposal.
- (4) Submission of (revised) drainage proposal and/or provision/implementation of drainage proposal/facilities.
- (5) Submission and/or implementation of (accepted) fire service installations proposal.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) Submission and implementation of parking arrangement proposal.
- (9) Submission of a condition record of existing drainage facilities and/or maintenance of the implemented drainage facilities at all times.
- (10) Maintenance of landscape planting on site.
- (11) No open storage at the uncovered areas is allowed on the site at any time during the planning approval period.
- (12) Provision or maintenance of boundary fencing on the site.
- (13) No vehicle parking, queuing and reverse manoeuvring are allowed on public road and at the vehicular access at any time during the planning approval period.
- (14) No vehicle to be parked/stored on or enter/exit the site.

Advisory Clauses

- (a) shorter compliance periods are imposed accordingly so as to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) 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. No permission is given for occupation of Government land (GL) (about 50m² 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. Lot No. 4892 RP and 4893 in D.D. 116 are covered by Short Term Waivers (STWs) No. 4340 and 4341 respectively to permit structures erected thereon for the purpose of "Temporary Shop and Services (Real Estate Agency)". Portion of Lot No. 4891 RP in D.D. 116 is covered by STW No. 633 to permit structures erected thereon for the purpose of "Kindergarten". The Site is accessible to Tai Tong Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. There are 3 Small House applications located within the boundary of the Site and 3 such applications within the 30m radius circle of the Site under processing. The Small House applications are still in preliminary stage. Her office has no comment on the application provided that the Site will be available in case the Small House applications are eventually approved by her office. The STW holder(s) will need to apply to her office for modification of the STW conditions if there is any irregularities on the Site and the lot owner(s) of the lot(s) without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on the 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 as 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 sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, vehicle 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 if the proposed run-in/run-out is agreed by the Transport Department, the applicant should construct a run-in/run-out at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing pavement.

His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong 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 though the applicant proposes 8 planters (without indication of what would be planted inside) and 2 trees in planter boxes, in addition to retaining the existing tree. It is opined inadequate to compensate for the affected landscape resources. In continuation to the above, the 2 trees proposed along the southern boundary are far apart. The applicant is reminded that all trees should be planted at-grade at 4 to 5m intervals generally along the boundary to provide reasonable screening for the Site. Due to the public frontage to Tai Tong Road, the applicant should consider setting back the fence to allow planting outside the fence to maximise the benefit of the planting. The proposed size of the planters is considered insufficient for sustainable growth of the tree and/or shrubs. Furthermore, it appears that the proposed tree locations along the southern boundary are in conflict with the drainage. The applicant is advised that the minimum soil provision for all new tree planting should be 1m (W) x 1m (L) x 1.2m (D). The applicant is advised to refer to the "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses" for useful information on what is required for tree preservation and landscape proposal. The applicant is also advised that the approval of the landscape proposal does not imply approval of tree works such as pruning/ transplanting and felling under lease. Tree works applications should be submitted direct to District Lands Officer for approval.
- (h) to note the comments of the Director of Fire Services that sufficient FS notes with proper standard(s) should be provided to indicate the proposed FSI provision. Appropriate scale should be adopted to illustrate the span of the Site. Emergency lighting shall be provided in accordance with BS 5266-1:2011 and BS EN 1838:2013. Directional sign or exit sign shall be provided in accordance with FSD Circular Letter No.5/2008. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (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 that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned 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 application 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 application 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 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 Building (Planning) Regulation at the building plan submission stage; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that In the interest 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. They 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.