

**Similar Applications within the subject “Village Type Development” Zone
on the Tai Tong OZP**

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-TT/243	Temporary Car Cleaning and Ancillary Vehicle Maintenance Area for Private Cars for a Period of 3 Years	4.9.2009	(1), (2), (3), (4)
2	A/YL-TT/276	Temporary Retail Shop for Restaurant Groceries for a Period of 3 Years	18.2.2011	(1), (2), (3), (4)

Main Reasons for Rejection

- (1) The development was not in line with the planning intention(s).
- (2) The development was considered not compatible with the surrounding rural land uses
- (3) No/insufficient information to demonstrate that the development would not generate adverse environmental, traffic and/or drainage impacts on the surrounding areas.
- (4) Approval of the application would set an undesirable precedent for other similar applications.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) prior planning approval should have been obtained before commencing the proposed development on site;
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. vehicle repair workshop 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;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the application site (the Site) comprises an Old Schedule Agricultural Lot 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 Kiu Hing Road via Government land (GL). Her office does not provide maintenance works for 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. Such application(s) will be considered by LandsD acting in the capacity as 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;
- (e) to note the comments from Commissioner for Transport, Transport Department that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road area are allowed;
- (f) 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 Kiu Hing Road.
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) to note the Director of Fire Services’ comments 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. 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 or referral from relevant licensing authority respectively; and
- (i) 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 unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any 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 works or UBW on the Site under the 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 Authorized Person (AP) 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 B(P)R at the building plan submission stage.