

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

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/436	Proposed Temporary Shop and Services (Vehicle Parts Shop) for a Period of 3 Years	17.8.2018	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)

Approval Condition(s):

- (1) No operation between 4:00 p.m. and 11:00 a.m. is allowed on the Site during the planning approval period.
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, are allowed to be parked/stored on or enter/exit the Site.
- (3) No car washing and car repairing activities.
- (4) No vehicle without valid licences is allowed to be parked/stored on the Site.
- (5) No vehicle is allowed to be parked at night within the Site.
- (6) No vehicle is allowed to queue back to or reverse onto/from public road.
- (7) The provision of boundary fence on the Site.
- (8) Submission and implementation of road connection or run-in/run-out proposal.
- (9) Submission and implementation of drainage proposal and maintenance of drainage facilities implemented therein.
- (10) Submission and implementation of fire service installations proposal.
- (11) Revocation of planning approval if any of the conditions is not complied with at any time or by the specified date.
- (12) Reinstatement of the site to an amenity area upon expiry of the planning permission.

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-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.

**Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department
(CE/MN, DSD)**

1. The Site occupies the frontage of the nullah. The overland flow from the areas behind the site should be properly intercepted by the proposed drainage facilities and discharged to the nullah. In view of the importance of the drainage facilities of the Site, the applicant should review if the proposed drainage channels are adequate.
2. The invert levels of the proposed catchpits should be shown on the drainage plan for reference.
3. The connection details of existing drainage facilities, to which the stormwater of the development from the Site would discharge, should be provided for comment. In addition, the applicant should clarify if the proposed 300mm surface U-channel outside the lot will be crossing Kiu Hing Road.
4. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the proposed development.
5. The location, details and cross sections of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan.
6. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit.
7. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
8. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
9. The applicant should consult District Lands Officer/Yuen Long, Lands Department and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
10. The applicant should submit form HBP1 to his office for application of technical audit for any proposed connection to DSD's drainage facilities.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that 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 owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on site. 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. Application for any of the above 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 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 LandsD;
- (c) to note the comments from Commissioner for Transport, Transport Department that the land status of the access road/path/track leading to the Site at Kiu Hing Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall 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, queuing and reverse movement of vehicles on public road area are allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the Site and Kiu Hing Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (e) 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;
- (f) 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. 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; and
- (g) 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 proposed 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 building 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.