

**Similar Application within the Same “O” Zone on the Tai Tong OZP No. S/YL-TT/16**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TT/415	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.12.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9)

**Approval Condition(s):**

- (1) No operation during specific hours.
- (2) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (3) No dismantling, repairing, cleansing, paint-spraying or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period
- (4) Submission and implementation of a tree preservation proposal.
- (5) Submission, implementation and maintenance of a drainage proposal.
- (6) Submission and implementation of fire services installations (FSIs) proposals.
- (7) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (8) Revocation clause
- (9) Reinstatement clause

**Advisory Clauses**

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. warehouse/domestic uses) which currently exists on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department 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. Within the Site, Lot No. 4219 in D.D.116 is currently covered by Short Term Waiver (STW) No. 4916 to permit structures erected thereon for the purpose of “Temporary Shop and Services (Vehicles Parts Retail Shop)”. The Site is accessible from Tai Shu Ha Road East via Government Land (GL) and private land. Her office provides no maintenance work for the 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(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 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 Tai Shu Ha Road East 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. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road are 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 or exclusive road drains. His department is not/shall not be responsible for the maintenance of any access connecting the Site and Tai Shu Ha Road East;
- (f) to note the comments of the Director of Environmental Protection that it is your obligation to comply with all relevant ordinances in Hong Kong. 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 nuisance;
- (g) 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. However, 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; and

- (h) 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 the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.