

Previous Application Covering the Application Site (the 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-TT/321	Temporary Eating Place for a Period of 3 Years	23.5.2014 (revoked on 23.5.2015)	(1), (2), (3), (4), (5), (6), (7)

Approval Condition(s):

- (1) No operation between 10:00 p.m. and 7:00 a.m is allowed on the Site.
- (2) No parking/queuing and reverse movement of vehicle are allowed on public road.
- (3) The submission and implementation of a tree preservation and landscape proposal.
- (4) The submission and implementation of a drainage proposal.
- (5) The submission and implementation of a 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.

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

Approved Applications

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC)	Approval Condition(s)
1	A/YL-TT/300	Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years	4.5.2012	(1), (3), (4), (5), (7), (9), (10)
2	A/YL-TT/320	Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years	21.2.2014 (revoked on 21.1.2016)	(1), (4), (7), (9)
3	A/YL-TT/370	Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years	8.1.2016	(1), (2), (3), (4), (6), (7), (8), (9), (10)
4	A/YL-TT/475	Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years	16.8.2019	(1), (2), (6), (7), (9)

Approval Condition(s):

- (1) No operation during specific time limit is allowed on the application site (the Site).
- (2) No vehicle is allowed to queue back to or reverse onto/from public road.
- (3) Submission of run-in/out proposal and provision of run-in/out.
- (4) Submission and/or implementation of (accepted) landscape and/or tree preservation proposal.
- (5) Submission and implementation of a drainage proposal.
- (6) Existing drainage facilities on the Site shall be maintained and submission of drainage records.
- (7) Submission and implementation of a fire service installations proposal.
- (8) Provision of boundary fencing.
- (9) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (10) Reinstatement of the site to an amenity area upon expiry of planning permission.

Advisory Clauses

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. open storage of construction materials and parking of vehicles uses) which currently exists on the application site (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) of the Site;
- (c) 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. Her office's recent site inspection found that an existing container converted structure not included in the s.16 proposal was found within the Site and suspected being used for domestic purposes. Her office will consider taking lease enforcement actions against the owner for the structure. Besides, her office will not consider to regularise any unauthorised structures for domestic use. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of 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 rent or fee, as may be imposed by her department;
- (d) to note the comments of the Commissioner for Transport that 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 the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Shan Road;
- (f) to note the comments of the Director of Environmental Protection that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storages Sites" issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding area;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that according to the submitted layout plan (**Drawing A-2** of this RNTPC paper), it is noted that the proposed temporary structure may conflict with the crown of a large existing tree adjacent to northwest of the Site. You should consider setting back the temporary structure away from the concerned tree to avoid potential damage to the tree;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that you should rectify the drainage system if they are found to be inadequate or ineffective

during operation. You should also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. The proposed development would neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. You should consult DLO/YL, LandsD and seek consent from relevant lot owners for any works to be carried out outside your lot boundary before commencement of the drainage works;

- (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; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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. 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.