

Similar Applications within the Same “R(D)” Zone on the Tong Yan San Tsuen OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/713	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	6.2.2015 [revoked on 6.5.2016]	(1), (2), (3), (4), (5), (7), (8), (9), (11)
2.	A/YL-TYST/819	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2016 [revoked on 23.9.2017]	(1), (2), (3), (4), (5), (7), (8), (9), (11)
3	A/YL-TYST/887	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2018	(1), (2), (3), (4), (5), (6), (8), (10), (11)

Approval Conditions

- (1) No night-time operation and/or no operation on Sundays and public holidays.
- (2) No light, medium or heavy goods vehicles, including container tractor/trailer, is allowed to park/store on or enter/exit the site
- (3) No vehicle is allowed to queue back to or reverse onto/from public road
- (4) Provision of boundary fence on the site.
- (5) Implementation of the accepted tree preservation and landscape proposal.
- (6) Submission of and implementation of drainage proposal
- (7) Implementation of the accepted drainage proposal.
- (8) Maintenance of implemented drainage facilities on the site.
- (9) Submission of and implementation of fire service installations (FSIs) proposal.
- (10) Implementation of the accepted FSIs proposal.
- (11) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.

Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department

He has the following comments on the submitted drainage proposal (**Drawings A-4 and A-5**):

- (i) There is no record of the existing 375mm surface u-channel (i.e. **Drawings A-4 and 5** in this RNTPC Paper submitted by the applicant) to which the stormwater of the development will be discharged. The applicant should provide evidence (e.g. site photos) to demonstrate its presence and to indicate its full alignment up to a well-established stream course/public drainage system.
- (ii) Further to item (i) above, the 375mm surface u-channel to which the applicant proposed to discharge the stormwater from the subject site was not maintained by this office. In the case that it is a local village drains, District Officer (Yuen Long) should be consulted.
- (iii) Consideration should be given to provide grating for the surface channels.
- (iv) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (v) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
- (vi) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (vii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (viii) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
- (ix) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (x) The applicant should consult District Lands Officer/Yuen Long 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.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. (b) No permission is given for occupation of government land (GL) (about 6m² subject to verification) included in the Site. The applicant's attention is drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Tan Kwai Tsuen Road through a local track on both private lot and GL. Her office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by LandsD acting in the capacity of the landlord 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;
- (c) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the Site. The local track leading to the Site is not under the Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (d) 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 Tan Kwai Tsuen Road;
- (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 Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should be reminded to conduct routine vegetation maintenance works, such as irrigating the trees and removing weeds regularly throughout the period. Fence and/or kerb or bollard should be constructed with a minimum distance of 1m around the planting areas to guard against damage to the trees and shrubs. The applicant should make reference to "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 under Section 16 of the Town Planning Ordinance". The applicant shall take reference to the following information/guideline published by the Greening, Landscape and Tree Management Section of the Development Bureau for tree maintenance:
- Information About Tree Maintenance For Private Properties (https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)
 - Pictorial Guide for Tree Maintenance (https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree)

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (**Drawings A-4 and A-5** of this RNTPC Paper) that There is no record of the existing 375mm surface u-channel (i.e. **Drawings A-4 and 5** in this RNTPC Paper submitted by the applicant) to which the stormwater of the development will be discharged. The applicant should provide evidence (e.g. site photos) to demonstrate its presence and to indicate its full alignment up to a well-established stream course/public drainage system. The 375mm surface u-channel to which the applicant proposed to discharge the stormwater from the subject site was not maintained by this office. In the case that it is a local village drains, District Officer (Yuen Long) should be consulted. Consideration should be given to provide grating for the surface channels. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult District Lands Officer/Yuen Long 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.
- (h) to note the comments of the Director of Fire Services (D of FS) 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. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is reminded that 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;
- (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 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 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 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 should be appointed as the co-ordinator for the proposed building works in accordance with 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; and
- (j) to note the Director of Electrical and Mechanical Services' comments that in the interests 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 mentioned 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 concerned 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.