

Previous Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-TYST/577	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	16.3.2012 [revoked on 16.3.2013]	(1), (2), (4), (5), (6), (7), (8)
2.	A/YL-TYST/738	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	3.7.2015 [revoked on 3.4.2016]	(1), (2), (3), (4), (5), (6), (7), (8)

Approval Condition(s):

- (1) No night-time operation 8:00 p.m. to 8:00 a.m. is allowed on the site.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes are allowed for the operation of the site.
- (3) No vehicle is allowed to queue back to or reverse onto/from public road.
- (4) Submission (and implementation) of landscape proposal.
- (5) Submission and implementation of drainage proposal (and maintenance of the implemented drainage facilities).
- (6) Submission and implementation of water supplies for fire-fighting and fire service installations proposals.
- (7) Revocation of planning approval if any of the conditions is not complied with by the specified date/at any time during the approval period.
- (8) Reinstatement of the site to an amenity area upon expiry of the planning permission.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/524	Temporary Warehouse for Storage of Recycling Materials (Excluding Electronic Waste and Not Involving Processing Activities) for a Period of 2 Years	15.7.2011 [on review]	(1), (2)

Rejection Reason(s):

- (1) The development was not in line with the planning intention of the "R(C)" zone which was primarily for low-rise, low-density residential developments. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- (2) The development would generate adverse environmental impact on the residential uses located to the immediate north and in the vicinity of the site.

Similar Applications within the Subject "R(C) Zone

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-TYST/620	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	23.11.2016 [revoked on 23.12.2014]	(2), (3), (4), (5), (6), (7), (8)
2.	A/YL-TYST/714	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	6.2.2015 [revoked on 6.11.2016]	(2), (3), (4), (5), (6), (7), (8), (11)
3.	A/YL-TYST/737	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	3.7.2015	(2), (3), (4), (5), (6), (7), (8), (11)
4.	A/YL-TYST/760	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	23.10.2015 [revoked on 23.7.2016]	(2), (3), (4), (5), (6), (7), (8), (11), (13)
5.	A/YL-TYST/774	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	8.1.2016 [revoked on 8.7.2016]	(2), (4), (5), (6), (7), (8), (11), (13), (14)
6.	A/YL-TYST/805	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	14.9.2016 [revoked on 14.3.2017]	(2), (4), (5), (6), (7), (8), (11), (13), (14)
7.	A/YL-TYST/821*	Proposed Temporary Plant Nursery and Shop and Services (Retail Shop for Plants) for a Period of 3 Years	13.1.2016 [revoked on 26.6.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)
8.	A/YL-TYST/873	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	18.5.2018	(3), (4), (5), (6), (7), (8), (11), (13), (14)
9.	A/YL-TYST/894	Renewal of Planning Approval for Temporary "Shop (Grocery Store)" for a Period of 3 Years	1.6.2018	(2), (4), (5), (6), (7), (8), (11), (13), (14)

*Straddling the adjacent "Undetermined" zone

Approval Condition(s):

- (1) No site formation and construction works are allowed within the breeding season of ardeids.
- (2) Submission and/or implementation of (accepted) landscape and/or tree preservation proposal or maintenance of existing trees and landscape plantings.
- (3) Submission of (revised) drainage proposal and implementation/provision of drainage facilities/proposal.
- (4) Submission and implementation/provision of emergency vehicular access, water supply for firefighting and/or fire service installations proposal.

- (5) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (6) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (7) No night-time operation (between specific hours).
- (8) No light, medium or heavy goods vehicles, including container tractor/trailer, is allowed to park/store on or enter/exit the site.
- (9) No workshop activities are allowed on the site.
- (10) Preservation of existing bamboos clumps.
- (11) No vehicle is allowed to queue back to or reverse onto/from public road.
- (12) Provision of boundary fencing on the site.
- (13) The implemented/existing drainage facilities shall be maintained.
- (14) Submission of records of the existing drainage facilities on the site.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. warehouse 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 Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots 1279 S.B ss.1 S.A and 1281 in D.D. 119 are covered by Short Term Waiver (STW) No. 3656 to permit structure erected thereon for the purpose of "Eating place and shop (grocery store)". Lot 1279 S.B ss.1 S.B in D.D. 119 is covered by STW No. 3663 to permit structures erected thereon for the purpose of "Eating place and shop (grocery store)". The Site is accessible from Kung Um Road via Government land (GL) and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW holders 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 regularization 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 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 premium or fee, as may be imposed by her Department;
- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site at Kung Um 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, vehicle queuing and reverse movement of vehicles on public road are allowed;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department does not and will not maintain any access connecting the Site and Kung Um Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities shall be affected and such work

and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. The refuse generated by the proposed eating place are regarded as trade refuse. For any waste generated from such activity/operation, the management or owner of the Site is responsible for its removal and disposal at their expenses. Proper license/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as Buildings Department, Fire Services Department and Planning Department for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;

- (h) to note the comments of the Director of Environmental Protection that sewage discharge from the Site should be directed to nearby public sewer. In case of unavailability of public sewer, a septic tank and soak-away pit should be provided and the applicant should design and maintain the septic tank and soak-away pit according to the ProPECC Note No. 5/93 requirements. Any effluent discharge from the Site should also comply with the requirements under the Water Pollution Control Ordinance. The applicant is also reminded of his obligation to take appropriate measure to minimize oily fume, cooking odour and noise impact as required under the Air Pollution Control Ordinance and Noise Control Ordinance;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant is 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, Development Bureau for tree maintenance: 私人物業樹木護理資料 Information About Tree Maintenance For Private Properties (https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) and 護養樹木的簡易圖解 Pictorial Guide for Tree Maintenance (https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf);
- (j) to note the comments of the Director of Drainage Services that he has the following comments on the submitted drainage proposal: The existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by his Office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drain, District Officer (Yuen Long) should be consulted. The applicant should provide justifications to demonstrate the hydraulic capacity of the existing drainage facilities, especially the existing 750mm dia. surface channel downstream of the proposed site, would not be adversely affected by the proposed development. The location and details of the proposed hoarding/peripheral wall should be provided for comment. Standard details should be provided to indicate the sectional details of the u-channel and the catchpit. Sand trap and provision alike should be provided before the collected runoff is discharged to the public drainage services. 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 DLO/YL, LandsD 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.

- (k) to note the Director of Fire Services' comments that in consideration of the design/nature of the ***proposal application***, 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. The applicant is also reminded that if the proposed structure(s) is required to comply with Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (l) 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 BD, they are unauthorized 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 and land filling) are to be carried out on Site, prior approval and consent of the 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 the BO. If the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. 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.