

Similar Applications involving the subject “R(B)1” and/or “R(D)” zones on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-TYST/445*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	7.8.2009 [revoked on 7.6.2012]	(1), (2), (3), (4), (5), (6), (7)
2.	A/YL-TYST/473	Proposed Temporary Retail Shop for Selling Stationery and Paper Products for a Period of 3 Years	7.5.2010 Approved for 1 year [revoked on 7.2.2011]	(1), (2), (3), (4), (5), (6), (7), (8)
3.	A/YL-TYST/622*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	7.12.2012	(1), (2), (5), (6), (7), (8), (9), (10), (12)
4.	A/YL-TYST/709	Proposed Temporary Eating Place (Small Restaurant) and Shop and Services (Convenience Store/Supermarket and Laundry and Real Estate Agency) for a Period of 3 Years	17.4.2015	(1), (4), (5), (6), (9), (10), (11)
5.	A/YL-TYST/767*	Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years	18.12.2015	(1), (2), (5), (6), (7), (8), (9), (10), (12)
6.	A/YL-TYST/785	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	8.4.2016 [revoked on 8.10.2017]	(1), (3), (4), (5), (6), (7), (10), (11)
7.	A/YL-TYST/799	Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries) for a Period of 3 Years	12.8.2016	(1), (2), (3), (4), (5), (6), (7), (9), (10), (14)
8.	A/YL-TYST/820#	Proposed Temporary Shop and Services (Retail Shop for Metal and Home Appliance) for a Period of 3 Years	23.12.2016	(1), (2), (4), (5), (6), (7), (10), (13), (14)
9.	A/YL-TYST/859	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.11.2017	(1), (5), (6), (7), (10), (11), (12), (13)

Remarks:

* Straddling “R(B)1” and “G/IC” zones

Straddling “R(B)1” and “R(D)” zones

Approval Condition(s):

- (1) No (night-time operation) between specific hours.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and tractors/trailers are allowed for the operation of the site.
- (3) Submission and/or implementation of (accepted) landscape proposal.

- (4) Submission and implementation of (revised) drainage proposal.
- (5) Submission and/or implementation of (accepted) water supplies for firefighting and/or 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.
- (8) Submission of run-in/out proposal and provision of run-in/out.
- (9) No vehicle queuing and/or reversing of vehicles into or out from the site/public road are allowed.
- (10) Maintenance of existing/implemented drainage facilities on the site.
- (11) No vehicle is allowed to park/store on or enter/exit the site.
- (12) Submission of a record of existing drainage facilities on the site.
- (13) Maintenance of the existing trees and landscape plantings on the site.
- (14) Provision of boundary fence 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) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. open storage of vehicles 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;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (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. The Site is accessible from Tong Yan San Tsuen Road via Government land (GL). Her office does not provide maintenance work 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 irregularities on site, if any. 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 of 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(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 at Sha Tseng Road shall 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. The applicant is reminded that sufficient space within the Site shall be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement 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/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen Road;
- (f) to follow 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;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that it is noted from the aerial photo that some mature trees are located near the proposed ingress/egress. The applicant shall show the existing trees on plan with necessary relocation of ingress/egress and other temporary structures in the landscape and tree preservation proposal, if required. 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 make 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);

- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains will be affected. A Waterworks Reserve within 1.5 metres from the centreline of the water mains shall be provided to his Department. No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No tree or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst of leakage of public water mains within and in close vicinity of the Site.
- (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. 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 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)'s comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of 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 application site, prior approval and consent of the 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 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 Building (Planning) Regulation at the building plan submission stage.