

Previous Application covering the Application Site

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/701 #	Proposed Temporary Warehouse for Storage of Construction Material for a Period of 3 Years	12.12.2014	(1), (2), (3)

Straddling the subject “R(D)” and “R(B)1” zones.

Rejection Reasons

- (1) The development is not in line with the planning intention of “Residential (Group D)” (“R(D)”) zone.
- (2) The applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.
- (3) The approval of the application would set an undesirable precedent for similar applications within the “R(D) zone.

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/120	Proposed Temporary Refreshment Kiosk for a Period of 3 Years	10.11.2000	(5), (9)
2.	A/YL-TYST/305	Proposed Temporary Staff Canteen and Ancillary Storage of Dry Food and Drinks for a Period of 3 Years	3.2.2006 (review approved on 12.5.2006 to delete approval condition (a))	(1), (7), (9), (10), (13)
3	A/YL-TYST/413	Renewal of Planning Approval for Temporary “Staff Canteen and Ancillary Storage of Dry Food and Drinks” Uses for a Period of 3 Years	23.1.2009	(1), (7), (8), (9) (10), (11), (13)
4	A/YL-TYST/569	Proposed Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years	24.2.2012 [revoked on 24.12.2013]	(1), (5), (8), (9), (12), (13)
5	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), (6), (7), (8), (9)
6	A/YL-TYST/755	Proposed Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years	9.10.2015 [revoked on 22.7.2016]	(1), (5), (6), (7), (8), (9), (12), (13)
7	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), (6), (7), (8), (9), (13)
8	A/YL-TYST/824	Proposed Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years	3.2.2017 [revoked 3.8.2017]	(1), (5), (6), (7), (8), (9), (12), (13)
9	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), (7), (9), (13)
10	A/YL-TYST/890	Proposed Temporary Shop and Services (Retail Shop for Electrical Appliances) for a Period of 3 Years	4.5.2018	(1), (2), (3), (4), (6), (8), (10), (13)

Approval Conditions

- (1) No night-time operation and/or no operation on Sundays and public holidays.
- (2) No light and/or 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) Submission of and/or Implementation of the accepted tree preservation and landscape proposal.
- (6) Submission of and/or implementation of drainage proposal
- (7) Maintenance of implemented drainage facilities on the site.
- (8) Submission of and/or implementation of fire service installations (FSIs) proposal.
- (9) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (10) Maintenance of existing trees and landscape planting on the site.
- (11) Submission of a record of the existing drainage facilities on the site.
- (12) No parking of vehicle is allowed on the site.
- (13) Reinstatement of the site upon the expiry of the planning permission.

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

He has the following comments on the submitted drainage proposal (**Drawing A-3** of this RNTPC paper):

- (i) The invert levels of the proposed catchpits should be provided for reference.
- (ii) Cross sections showing the existing ground levels of the captioned site with respect to the adjacent areas should be given.
- (iii) Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits.
- (iv) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (v) Consideration should be given to provide grating for the surface channels.
- (vi) 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.
- (vii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

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 application site (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. No permission is given for occupation of Government Land (GL) (about 340m² 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 from Shui Fu Road through GL. Her office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. 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. 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. Application(s) for any of the above will be considered by LandsD acting in the capacity of the 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 LandsD;
- (c) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public roads or reverse onto/from public roads;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should provide the run in/out at Shui Fu Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. For channel grating subject to vehicular load, his department's Standard Drawing No. H 3155A shall be followed. However, the maximum channel size shown in H 3155A is 300mm, less than the size of the existing U-channel (i.e. 375mm). As a result, the applicant cannot adopt the grating details of H 3155A but needs to design (with structural calculation) the channel grating to suit the existing U-channel. Alternatively, the applicant may consider converting the section of U-channel under the vehicular access to other drainage materials, say, drain pipe with adequate structural strength to withstand the vehicle load. However, in so doing the draining capacity of the existing U-channel shall always be maintained;
- (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 for sustainable tree planting, a minimum 1.2m soil depth should be reserved and 1m diameter of tree pit should be provided. 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 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 Ordinance”. The applicant is reminded that approval of the landscape and tree preservation proposal under TPB approval condition does not imply approval of the tree preservation requirements under the lease;

- (g) 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;
- (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 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 and land filling) 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
- (i) to note the comments of the Director of Electrical and Mechanical Services 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.