

Previous Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration</u> <u>(RNTPC)</u>
1	A/YL-TYST/1277	Proposed Temporary Shop and Services for a Period of 3 Years	20.9.2024 [revoked on 20.3.2026]

Similar Applications within the same “R(B)1” Zone in the past five years

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TYST/1092	Temporary Shop and Services for a Period of 3 Years	28.5.2021 [revoked on 28.11.2023]
2	A/YL-TYST/1160 [#]	Proposed Temporary Shop and Services for a Period of 3 Years	24.6.2022 [revoked on 24.12.2023]
3	A/YL-TYST/1194*	Temporary Shop and Services for a Period of 3 Years	3.2.2023 [revoked on 3.8.2024]
4	A/YL-TYST/1195*	Proposed Temporary Shop and Services for a Period of 3 Years	3.2.2023 [revoked on 3.8.2024]
5	A/YL-TYST/1250	Temporary Shop and Services for a Period of 3 Years	16.02.2024 [revoked on 16.11.2025]
6	A/YL-TYST/1296	Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 5 Years	14.2.2025
7	A/YL-TYST/1308*	Temporary Shop and Services for a Period of 3 Years	23.5.2025
8	A/YL-TYST/1309*	Proposed Temporary Shop and Services for a Period of 3 Years	23.5.2025
9	A/YL-TYST/1350	Temporary Shop and Services for a Period of 3 Years	22.5.2026

Remarks:

[#] Straddling the adjacent “Residential (Group B)2” zone.

* Straddling the adjacent “Government, Institution or Community” zone.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- no adverse comment on the application;
- the application site (the Site) comprises Lot 3927 S.A. ss.4 in D.D. 124 held under Tai Po New Grant No. 6364 for the purpose of agriculture and chicken farm and no building of any description shall be erected on the lot; and
- Lot 3927 S.A. in D.D. 124 is covered by Short Term Waiver (STW) No. 3315 for the purpose of sauce and preserved fruit factory with ancillary use. It is noted that Lot 3927 S.A. has been carving out to Lot 3927 S.A. ss.4 and Lot 3927 S.A. RP in D.D. 124.

2. Traffic

(a) Comments of the Commissioner for Transport (C for T):

No adverse comment on the application from traffic engineering perspective.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

No adverse comment on the application.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application; and
- no environmental complaint concerning the Site was received in the past three years.

4. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no in-principle objection to the application from a drainage point of view and no adverse comment on the submitted drainage proposal provided that all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected;
- should the application be approved by the Town Planning Board (the Board), approval conditions requiring the submission, implementation and maintenance of a revised drainage proposal to the satisfaction of the Director of Drainage Services or of the Board should be stipulated; and

- the applicant should note his advisory comments at **Appendix V**.

5. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installations being provided to his satisfaction; and
- the applicant should note his advisory comments at **Appendix V**.

6. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application; and
- it is noted that two structures are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

7. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office did not receive any feedback from locals.

8. **Other Departments**

The following departments have no comment on/no objection to the application:

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Director of Electrical and Mechanical Services (DEMS); and
- Commissioner of Police (C of P).

Recommended Advisory Clauses

- (a) should you 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;
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. office use) which currently exists on the application site (the Site) but not covered by the application. Immediate action should be taken to discontinue such development/uses not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner(s) shall apply to his office for Short Term Waiver(s) (STWs) to permit the structure(s) erected within the said private lots. The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by his department. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) consent of the owners/managing departments of the local track should be obtained for using it as the vehicular access to the Site; and
 - (ii) sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) his department shall not be responsible for the maintenance of any access connecting the Site and Tan Kwai Tsuen Road; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Environmental Protection (DEP) that 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 his department should be followed to minimise any potential environmental nuisances on the surrounding areas;
- (g) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) if the proposed structures are 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
 - (ii) regarding the fire services installations proposal submitted by the applicant, the applicant is advised that for enclosed structure with gross floor area not exceeding 230 m², i.e. Structure B, portable fire extinguisher and stand-alone fire detector shall be provided;

(h) to note the general comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

(i) regarding the drainage proposal submitted by the applicant, the applicant is advised that:

- i. Appendix C – Peripheral surface channels shall be provided along the site boundary of the lower sides to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands. Please review and/or clarify for the northern and southern sides of the Site;
- ii. Appendix C – The gradients of the proposed u-channels should be shown on the drainage plan;
- iii. Appendix C – The cover level at the start of the proposed u-channels should be indicated, please also ensure the design depth could be maintained at the start;
- iv. Appendix C – The existing ground levels of the adjacent areas to the Site should be indicated in the cross sections. Please also provide cross section in the orthogonal direction showing the ground level of the Site with respect to the site entrance and existing road at the south;
- v. Appendix C – Catchpit should be provided at the turning point of the proposed u-channel;
- vi. Appendix C – Based on the cutline direction, the fence wall is located near the road, please review if this is correct and advise whether they are existing or proposed;
- vii. Appendix D – The intensity-duration-frequency curves is not the latest version, please review;
- viii. Appendix D – GEO Technical Guidance Note No. 43 provides technical guidance on the hydraulic design of U-shaped and half-round channels on slopes and it supersedes the design methodology for U-shaped and half-round channels given in the second paragraph of Section 8.3.4 and the chart given in Figure 8.7 of the Geotechnical Manual for Slopes (GCO, 1984);
- ix. Appendix E – the standard drawings are not the latest revision, please review;
- x. the applicant should confirm if any walls or hoarding are/to be erected or laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. The applicant should provide its details for comments;
- xi. the development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas, etc.;
- xii. the applicant should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system) on a separate plan as appropriate. The applicant may refer to the GeoInfo Map (<https://www.map.gov.hk/gm/>) to obtain records of nearby drainage pipes and manhole facilities. If the existing drainage facilities proposed to be included in applicant's drainage network are not recorded on the website, the applicant should provide relevant site photos to demonstrate its existence and existing conditions;

- xiii. the existing village drain, to which the applicant proposed to discharge the stormwater from the Site is not maintained by his office. The applicant shall resolve any conflict/disagreement arisen for discharging the runoff from the Site to the proposed discharge point(s). In the case that it is a local village drains, District Office/Yuen Long should be consulted. Moreover, the applicant should ensure that this drainage system and the existing downstream drains/channels/streams have adequate capacity to convey the additional runoff from the Site. Regular maintenance should be carried out by the applicant to avoid blockage of the system;
 - xiv. further to (xiii) above, since there is no record of the said discharge path, the applicant should provide site photos to demonstrate its presence and existing conditions. The applicant should also indicate the location and direction of photo taking on the plan for ease of identification; and
 - xv. the applicant should resolve any conflict/disagreement with relevant lot owner(s) and seek permission from DLO/YL, LandsD for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government Land, where required, outside the Site;
- (ii) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected; and
 - (iii) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, please submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) 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;
 - (ii) 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 building plan submission stage;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the 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;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vi) detailed checking under the BO will be carried out at building plan submission stage.