Appendix II of RNTPC
Paper No. A/YL-TT/813

Previous Applications covering the Application Site

Rejected Applications

	Application No.	Development(s)/Use(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
1	A/YL-TT/29	Temporary Open Storage of Private Cars and Lorries for Repair and Sale for a Period of 12 Months	12.6.1998 (on review)*	(1), (2), (3), (4)
2	A/YL-TT/409	Proposed Temporary Construction Machinery Workshop and Construction Materials Warehouse with Ancillary Office for a Period of 3 Years	8.9.2017	(1), (2), (4)

*Appeal pursuant is dismissed by the Appeal Board on 12.10.1999 due to absence of the appellant to the hearing at the due time.

Rejection Reason(s):

(1) No strong justification provided to support a departure from the planning intention.
(2) Not compatible with the rural land use in the surrounding areas.
(3) No/insufficient information to demonstrate that suitable sites cannot be identified for the use under application.
(4) Set an undesirable precedent for similar applications.

Approved Applications

	Application No.	Development(s)/Use(s)	Date of Consideration (RNTPC)
1	A/YL-TT/609	Proposed Temporary Shop and Services for a Period of 3 Years	13.10.2023

Similar Applications within the Subject "Village Type Development" Zone on the Tai Tong Outline Zoning Plan in the Past Five Years

Approved Applications

	Application No.	Development(s)/Use(s)	Date of Consideration (RNTPC)
1	A/YL-TT/603	Proposed Temporary Shop and Services for a Period of 3 Years	11.9.2023 [Revoked on 11.3.2024]
2	A/YL-TT/704	Proposed Temporary Shop and Services for a Period of 3 Years	2.5.2025

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application;
- no Small House application approved or under processing within the application site (the Site); and
- advisory comments as detailed in **Appendix IV**.

2. Traffic

(a) Comments of the Commissioner for Transport:

- no adverse comment on the application; and
- advisory comments as detailed in **Appendix IV**.

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

- no objection on the application; and
- advisory comments as detailed in **Appendix IV**.

3. Environment

Comments of the Director of Environmental Protection:

- no objection to the application;
- no environmental complaint concerning the Site has been received in the past three years; and
- advisory comments as detailed in **Appendix IV**.

4. Drainage

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

- no in-principle objection to the applied use from drainage point of view;
- should the application be approved, approval conditions requiring the maintenance of the drainage facilities in good conditions at all times and the submission of records of existing drainage facilities on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board should be stipulated; and
- advisory comments as detailed in **Appendix IV**.

5. Fire Safety

Comments of the Director of Fire Services:

- no objection to the application subject to fire service installations being provided to his satisfaction; and
- advisory comments as detailed in **Appendix IV**.

6. District Officer's Comments

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

- no comment from departmental point of view; and
- his office has not received any comment from the village representatives in the vicinity.

7. Other Departments

The following departments have no objection to/no comment on the application and their advisory comments, if any, are detailed in **Appendix IV**:

- Chief Building Surveyor/New Territories West, Buildings Department;
- Chief Engineer/Construction, Water Supplies Department;
- Project Manager (West), Civil Engineering and Development Department;
- Director of Agriculture, Fisheries and Conservation;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police (pending).

Recommended Advisory Clauses

(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:

(i) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;

(ii) Lots 3578 S.D in D.D.116 and 1029 S.A in D.D.118 are covered by Short Term Waiver (STW) No. 5750 for the purpose of "Temporary Shop and Services and Any Ancillary Uses as may be approved by DLO/YL"; and

(iii) the STW holder will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) without STW shall apply to this office for a STW to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity of a landlord and there is no guarantee that such application(s) will be approved. The STW application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered;

(b) to note the comments of the Commissioner for Transport that:

(i) sufficient manoeuvring space shall be provided within the application site (the Site). No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and

(ii) the local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track and footpath for using the local track and footpath as the access to the Site;

(c) 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 Tai Shu Ha Road East; and

(ii) adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;

(d) to note the comments of the Director of Environmental Protection that:

(i) the applicant should 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 Environmental Protection Department to minimise the potential environmental nuisances on the surrounding areas;

(ii) the applicant should provide adequate supporting infrastructure/ facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of EPD's Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) 1/23 "Drainage Plans subject to Comment by the Environmental Protection Department" including

completion of percolation test and certification by Authorized Person; and

(iii) the applicant should implement appropriate pollution control measures outlined in the ProPECCPNs 2/24 'Construction Site Drainage' to minimise any potential environmental impacts on nearby water bodies during the construction of the project;

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

(f) to note the comments of the Director of Fire Services that:

(i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;

(ii) the location of the proposed fire services installations to be installed should also be clearly marked on the layout plans; and

(iii) 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;

(g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

(i) before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling) 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 (UBWs) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

(ii) 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;

(iii) 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;

(iv) if the existing structure (not being a New Territories Exempted House) is erected on leased land without approval of the Building Authority (BA), they are unauthorised building works (UBWs) under the BO and should not be designated for any proposed use under the captioned application;

(v) for UBWs erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under the BO;

(vi) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings which are subject to the control of Part VII of the B(P)R; and

(vii) detailed comment under the BO will be provided at building plan submission stage.