

**Similar s.16 Applications within the same “V” zone
on the Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/9**

Approved Applications

<u>Application No.</u>	<u>Development/ Uses</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/TM-LTY Y/210	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	4.3.2011 (Revoked 4.6.2013)	(5) to (9)
A/TM-LTY Y/245	Proposed Temporary Shop and Services (Convenience Store and Real Estate Agency) for a Period of 3 Years	21.12.2012 (Revoked 21.3.2015)	(5) to (9)
A/TM-LTY Y/264	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	8.11.2013	(1), (3), (5) to (9)
A/TM-LTY Y/268	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.6.2014 (S.17)	(1), (3) to (5), (8) to (9)
A/TM-LTY Y/296	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 years	5.6.2015	(1) to (5), (8) to (9)
A/TM-LTY Y/321	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	9.12.2016	(1), (3), (5) to (9)

Approval Conditions

1. No night time operation
2. No operation on Sundays and public holidays
3. No vehicular access to/from and no parking on the site at any time
4. Maintenance of existing trees and shrubs within the site at all times
5. Submission and implementation of drainage proposal
6. Submission and implementation of FSIs proposal
7. Submission and implementation of landscape and/or tree preservation proposals
8. Revocation Clauses
9. Reinstatement Clause

**Similar s.16 Applications within the same “R(D)” zone
on the Draft Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/11**

Approved Applications

<u>Application No.</u>	<u>Development/ Uses</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-TYST/713	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	6.2.2015 (Revoked 6.5.2016)	(1) to (8),
A/YL-TYST /819	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2016	(1) to (9),

Approval Conditions

1. No night time operation
2. No light, medium or heavy goods vehicles, including container tractor/trailer is allowed to park/store on or enter/exit the site
3. No vehicle queuing and reversing is allowed
4. the provision of boundary fencing
5. Submission and implementation of drainage proposal
6. Submission and implementation of FSIs proposal
7. Submission and implementation of landscape and/or tree preservation proposals
8. Revocation Clauses
9. Reinstatement Clause

致城市規劃委員會秘書：
專人送遞或郵遞：香港北角渣甸道 333 號北角政府合署 15 樓
傳真：2877 0245 或 2522 8426
電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board
By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong
By Fax : 2877 0245 or 2522 8426
By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates A/TM-LTYV/345

意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)

支持上述之申請。

「提意見人」姓名/名稱 Name of person/company making this comment 陶錫源
簽署 Signature 陶錫源 日期 Date 21/2/2018

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the Site comprises on Lot 3040 in D.D.124 (“the Lot”) and adjoining Government land. The Lot is an Old Schedule Lot held under the Block Government Lease (“BGL”) containing the restriction that no structures are allowed to be erected without the prior approval of the Government. Short Term Waiver (STW) 486 was issued to permit erection of structures with total site coverage not exceeding 40.47m² and a height not exceeding 4.27m for purpose of a foundry on the Lot. A portion of the Government land fall within Short Term Tenancy (STT) 823 which was issued for the purpose of a foundry with permitted built-over area not exceeding 131.92m² and a height not exceeding 4.27m. The rest of the Government land is not covered by any land documents. There is an existing structure on site. However, his site inspection has revealed that the dimensions and configurations of the existing structures, which are currently vacant, are not in compliance with the said STW and STT and have encroached onto adjoining unleased Government land. It is note that the applicant proposes to erect a structure for a real estate agency purpose with a toilet on the site. There is no detailed information regarding the land affected. Apparently, the structure will fall within the Lot, portion of STT 823 and unleased Government land. Such proposal is not allowed under the existing lease, STW and STT approval has been given to permit erection on Government land. The Site is accessible via a strip of Government land leading from Tin Tei Yan Road. His office does not carry out maintenance works for the access road nor guarantee any right-of-way will be given to the Site. As per the proposed drainage plan, the intercepted stormwater at the Site will be discharged to nullah via the proposed 200mm diameter uPVC down pipe, the existing 300mm surface U-channel and the existing 500mm diameter underground pipe to the east of the site. If any drainage works is to be carried out on Government land, prior written permission from DLO/TM is required. The applicant (also the waiveree and tenant of STW 486 and STT 823) may apply for cancellation of the STW and STT and demolition of the existing structures; and submit a formal application to his office to permit erection of the proposed structures on the Lot and the adjoining Government land. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by Lands Department acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, rent, deposit and administration fee etc. Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of the structures affected irrespective of whether planning permission will be given or not. Enforcement action will also be taken should any structures are found erected without any prior approval given by this office or any unauthorized occupation of Government land.
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land

without the approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any proposed use under the application. Before any new building works (including shelters, toilet, containers as temporary buildings and connection of drains) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. If the proposed use under application is subject to the issue of a licence, please 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 the B(P)R at the building plan submission stage.

- (d) to note the comments of the Chief Engineer/Mainland North, DSD that the applicant should be reminded to incorporate the following comments when submitting the drainage proposal: (i) The applicant should refer to the guidelines as specified in "Technical Note to prepare a Drainage Submission" which is available at DSD's website(http://www.dsd.gov.hk/EN/Technical_Manuals/DSD_Guidelines/index.html). (ii) Details of the proposed drainage works, e.g. u-channels, catchpits etc should be clarified. (iii) It is noted that the applicant proposed to make a drainage connection to an existing u-channel as the eastern side of the proposed site. According to his record, the existing u-channel is not maintained by DSD. The applicant should be reminded to consult the relevant authorities/lot owner(s) prior to the drainage works. (iv) The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works. (v) The applicant should implement the drainage facilities on Site in accordance with the drainage proposal. (vi) The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. (vii) The proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. (viii) There is no public sewer available for connection in the vicinity of the Site. EPD should be consulted regarding to sewerage aspects of the proposed development.
- (e) 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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant is also advised that the layout plans should be drawn to scale and depicted with

dimensions and nature of occupancy. The location of the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;