

Previous Application Covering the Application Site

Approved Application

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/TM-LTYYY/345	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.3.2018 [Revoked on 16.8.2020]	(1) to (8)

Approval Conditions

- (1) No night time operation.
- (2) No vehicle is allowed to enter or be parked/stored at the application site.
- (3) Submission and implementation of drainage proposal.
- (4) Maintenance of existing drainage facilities.
- (5) Submission and implementation of fire services installations proposal.
- (6) Submission and implementation of landscape proposal.
- (7) Revocation clause(s).
- (8) Reinstatement clause.

**Similar Applications within the same “V” zone
on the Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/10**

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration</u>	<u>Approval Condition(s)</u>
1	A/TM-LTY Y/210	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	4.3.2011 [revoked on 4.6.2013]	(1), (4), (7), (8), (10), (11)
2	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 on 21.3.2015]	(1), (4), (7), (8), (10), (11)
3	A/TM-LTY Y/264	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	8.11.2013	(1), (2), (4), (7), (8), (10), (11)
4	A/TM-LTY Y/268	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.6.2014 TPB	(1), (2), (4), (9), (10), (11)
5	A/TM-LTY Y/296	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.6.2015	(1), (2), (4), (7), (10), (11)
6	A/TM-LTY Y/321	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	9.12.2016	(1), (2), (4), (5), (7), (8), (10), (11)
7	A/TM-LTY Y/345	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.3.2018	(1), (2), (3), (4), (5), (7), (10), (11)
8	A/TM-LTY Y/350	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	18.5.2018	(1), (2), (5), (6), (7), (10), (11)
9	A/TM-LTY Y/382	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.9.2019	(1), (2), (3)m (4), (5), (7), (8), (10)

Approval Conditions

- (1) No night-time operation and/or no operation on Sundays and public holidays.
- (2) No vehicle is allowed to enter or be parked/stored on the site.
- (3) Provision of boundary fence on the site.
- (4) The submission and implementation of drainage proposal.
- (5) The maintenance of the implemented drainage facilities.
- (6) The submission of condition record of the implemented drainage facilities.

- (7) The submission and/or implementation of fire services installations.
- (8) The submission and implementation of landscape and/or tree preservation proposal.
- (9) The maintenance of existing trees and shrubs within the site.
- (10) Revocation clauses.
- (11) Reinstatement clause.

Similar Applications within the same “R(D)” zone
on the Draft Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/13

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration</u>	<u>Approval Condition(s)</u>
1	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)
2.	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)
3	A/YL-TYST/887	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2018 [revoked on 20.9.2020]	(1), (2), (3), (4), (5), (6), (7), (8), (9)

Approval Conditions

- (1) No night-time operation and/or no operation on Sundays and public holidays.
- (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 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 the accepted 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 Clauses.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant 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;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
 - (i) the Site falls within Lot No. 3040 in D.D. 124 (the Lot) and the adjoining GL. The Lot is an Old Schedule Lot 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) a Short Term Waiver (STW) No. 486 and a Short Term Tenancy (STT) No. 823 were granted on Lot and the adjoining GL by his office to permit erection of structures for the use of foundry. However, according to Appendix I of the RNTPC Paper, the Site is currently vacant;
 - (iii) the Site is accessible via a strip of GL leading from Tin Tei Yan Road. No vehicular ingress/egress is proposed for the proposed use. His office does not carry out maintenance works for the said GL nor has granted any right-of-way over the GL to the Site;
 - (iv) according to the proposed drainage plan, U-channel, pipe and catchpit will be constructed on the Lot and the GL. The applicant would be reminded that if there is any private lot and GL involved in the proposed drainage works, he is required to seek prior consent/approval from the lot owners concerned and this office before commencement of any drainage works on the private lot and the GL if the drainage proposal is acceptable to Drainage Services Department (DSD). Any unauthorised excavation of GL may be subject to enforcement action and prosecution. There is no guarantee that such approval will be given and in the event that approval is given, it will be subject to such terms and conditions, including payment of fees as may be considered appropriate. His office will not provide maintenance works to fee U-channel, pipe and catchpit; and
 - (v) the lot owner is required to submit applications to his office for a STW and a STT to permit erection of the structures on the Lot and the adjoining GL. However, notwithstanding that planning permission has been given, there is no guarantee that applications will be approved or any right of way will be granted. The applications will be considered by LandsD acting in the capacity as the landlord at its sole discretion. The applications, if approved, would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee and rent from such date as may be appropriate, deposit and administration fee, etc. The Government also reserves the right to take any enforcement action as maybe considered appropriate regarding any unauthorised structures erected on the Site or any encroachment or unauthorised use of GL;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) the proposed access from the Site to Tin Tei Yan Road is not and will not be maintained by HyD; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) 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;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) regarding to the drainage facilities:
 - (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 (https://www.dsd.gov.hk/EN/Technical_Documents/Technical_Manuals/index.html);
 - (ii) presumably it is the intent of applicant to make drainage connection to public drainage to discharge runoff from the Site. According to his record, there is no DSD maintained facility in the vicinity of the Site. In this regard, the applicant is reminded to identify such public drainage and consult, as appropriate, the relevant authorities/owners of the existing drainage for consent of the connection works’
 - (iii) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by 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;
 - (iv) the applicant should state clearly whether the existing u-channel; and catchpit(s) would be removed, modified or retained. Should the above existing drainage system be used as part of the proposed drainage networks, the applicant should ensure their working conditions are satisfactory. In this case, records such as photographs and plans showing these drains shall be provided;
 - (v) peripheral drainage channels should be provided to intercept the surface runoff from the uphill catchment so as to avoid the application site from overland flow influence;
 - (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; and
 - (vii) the proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;

- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, FSIs are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be resubmitted to his department for approval. The layout plans should be drawn to scale with metric dimensions of the structures. Construction of the structures (e.g. container-converted, tin-sheeted, etc.) should be stated on plans. A location plan clearly showing that the travel distance from access for emergency vehicle for all the enclosed structures is less than 30m should be provided. Otherwise, a modified hose reel system shall be provided for the aforementioned structures and storage areas. 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
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) 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 BO and should not be designated for any proposed use under the application;
 - (ii) 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 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 BO;
 - (iii) 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 application site under BO;
 - (iv) 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;
 - (v) in connection with (ii) above, 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;
 - (vi) 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 B(P)R at the building plan submission stage; and
 - (vii) detailed comments will be provided at the building plan submission stage.