

Previous Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/DPA/YL-TT/51*	Warehouse for Storage of Building Materials	18.3.1994 approved for 3 years	(1), (2), (3), (4), (5), (6), (7)

*Zoned “Unspecified Use” in the Draft Tai Tong Development Permission Area Plan (No. DPA/YL-TT/1)

Approval Condition(s):

- (1) Submission and implementation of landscaping proposals
- (2) Provision of vehicular access, and car-parking and loading/unloading spaces
- (3) Provision of drainage facilities
- (4) Provision of noise mitigation measures
- (5) Provision of fire safety installations
- (6) Provision of vehicular access
- (7) The permission shall cease to have effect on 18.3.1996 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/392	Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years	24.2.2017 (on review)	(1), (2), (3)
2	A/YL-TT/410	Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years	22.12.2017	(1), (2), (3)

Main Reasons for Rejection:

- (1) The proposed development is not in line with the planning intention of the “AGR” zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis
- (2) The applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas
- (3) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area

Similar Applications within the Same “AGR” Zone on the OZP

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/134*	Temporary Shop for Second Hand Electrical Appliance and Stainless Steel Kitchenwares with Ancillary Facilities for a Period of 3 Years	30.8.2003 [Allowed on Appeal]	(1)

* The application was rejected by the Town Planning Board (the Board) on review on 10.1.2003. Subsequently, the applicant lodged an appeal against the Board’s decision on 21.3.2003 and the appeal was allowed on 30.8.2003 and temporary permission of 3 years with condition was granted.

Approval Condition:

- (1) There should not be any structures or any goods or other things higher than 8.23m from the mean level of the site to be placed within the site.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/345	Temporary Shop for Selling Decoration Material for a Period of 3 years	27.2.2015	(1), (2), (3)

Main Reasons for Rejection:

- (1) The proposed development is not in line with the planning intention of the “AGR” zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis
- (2) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas
- (3) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Site comprises Old Schedule Agricultural Lots 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 the Government Land (GL) (about 240m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The Site is accessible through Tai Shu Ha Road East via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as 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;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road leading to the Site from Tai Shu Ha Road East shall be checked with the lands authority. The management and maintenance responsibilities of the access road shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not and shall not be responsible for the maintenance of the access connecting the Site and Tai Shu Ha Road East. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation's comments that the applicant is advised to ensure that the proposed development would not affect the existing trees on GL and "Conservation Area" zone to the north of the Site;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the approval of the tree preservation and landscape proposal under s.16 submission does not imply approval of tree works such as pruning, transplanting and/or felling under lease. Tree works applications should be submitted direct to DLO under lease for approval. The applicant is advised that a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) shall be provided for each tree and that there shall be no storage or stacking of objects and materials within 1m of any tree. Furthermore, precautions such as kerb and/or bollards should be provided to prevent damage to the trees. The Applicant shall be reminded of the importance of proper tree care. Useful information is available for reference in the Pictorial Guide for Tree Maintenance (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should advise why u-channel is not provided at the southwestern side of the site. The invert levels of the proposed catchpits should be shown on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case that it is a local village drains, DO/YL should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the captioned development. The cross section of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. The applicant should consult DLO/YL 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;
- (j) to note the comments of the Director of Fire Services 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 also reminded that if the proposed structure(s) is required to comply with BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) 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 the approval of the BD, they are UBWs under the 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 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. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the 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 the 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.