

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB/TPAB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/289	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.8.2011 [revoked on 19.2.2012]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TT/302	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.10.2013]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-TT/327*	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.12.2015 (allowed on appeal for 12 months) [revoked on 22.3.2016]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

* The application was rejected by the Board on review on 24.10.2014. The appeal of the Board's decision to reject the case on review was heard by the Appeal Board Panel (Town Planning) (TPAB) on 7.10.2015 and was allowed for a period of 12 months, instead of 3 years applied, subject to approval conditions (with shorter compliance periods).

Approval Condition(s):

- (1) No night-time operation during specific time limit, as proposed by the applicant, is allowed on the site.
- (2) Submission and/or implementation of (accepted) run-in/out proposal.
- (3) Submission and/or implementation of landscaping and tree preservation proposal.
- (4) Submission and/or implementation drainage proposal.
- (5) Submission and/or implementation of fire service installations proposal.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) Submission and implementation of parking arrangement proposal.
- (9) No open storage at the uncovered areas is allowed on the site.
- (10) No queuing and reverse movement of vehicle are allowed on public road.
- (11) No car repair business, nor any activity not permitted by the planning permission shall be carried on in the site.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB/TPAB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/344	Tempoary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.5.2015 (on review)	(1), (2)
2	A/YL-TT/357	Tempoary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 Years	25.8.2017 (dismissed on appeal)	(1), (2)

3	A/YL-TT/421	Temporary Shop and Services (Building Surveying Consultancy) for a Period of 3 Years	10.8.2018 (on review)	(1), (2)
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Rejection Reason(s):

- (1) Failure to demonstrate that the development would not cause adverse traffic, landscape and/or drainage impacts on the surrounding area; and
- (2) Previous planning permissions granted to the applicant were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

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

Approved Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/301	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.7.2014]	(1), (2), (3), (4), (5), (6), (7) (8)
2	A/YL-TT/343	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.1.2015	(1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13)
3	A/YL-TT/384	Proposed Temporary Shop and Services (Local Provision Store with Ancillary Storage Area and Real Estate Agency) for a Period of 3 Years	29.7.2016	(1), (3), (4), (5), (6), (9), (14)
4	A/YL-TT/418	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.1.2018	(1), (5), (6), (7), (9), (10), (12), (13)
5	A/YL-TT/429	Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years	1.6.2018	(1), (5), (6), (7), (9), (10), (14)

Approval Condition(s):

- (1) No night-time operation during specific time limit is allowed on the site.
- (2) Submission and/or implementation of (accepted) run-in/out proposal.
- (3) Submission and/or implementation of landscaping and tree preservation proposal.
- (4) Submission of (revised) drainage proposal and/or provision/implementation of drainage proposal/facilities.
- (5) Submission and/or implementation of (accepted) fire service installations proposal.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) Submission and implementation of parking arrangement proposal.
- (9) Submission of a condition record of existing drainage facilities and/or maintenance of the implemented drainage facilities at all times.
- (10) Maintenance of landscape planting on site.
- (11) No open storage at the uncovered areas is allowed on the site at any time during the planning approval period.
- (12) Provision or maintenance of boundary fencing on the site.
- (13) No vehicle parking, queuing and reverse manoeuvring are allowed on public road and at the vehicular access at any time during the planning approval period.
- (14) No vehicle to be parked/stored on or enter/exit the site.

Advisory Clauses

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. storage of furniture use) which currently exists on the application site (the Site) but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that 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. No permission is given for occupation of Government land (GL) (about 50m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without government's prior approval is not allowed. Lot No. 4892 RP and 4893 in D.D. 116 are covered by Short Term Waivers (STWs) No. 4340 and 4341 respectively to permit structures erected thereon for the purpose of "Temporary Shop and Services (Real Estate Agency)". Portion of Lot No. 4891 RP in D.D. 116 is covered by STW No. 633 to permit structures erected thereon for the purpose of "Kindergarten". The Site is accessible from Tai Tong Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 her department;
- (c) to note the comments of the Commissioner for Transport that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking of vehicles on public road are allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that if the proposed run-in is agreed by the Transport Department, the applicant should construct a run-in/run-out at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing pavement. Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Road;
- (e) to note the comments of the Director of Environmental Protection 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 to minimise any potential environmental nuisance;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the landscape proposal under s.16 or approval condition does not imply approval of tree works such as felling/transplanting or pruning under lease. For any proposed tree preservation/removal scheme involving trees, the applicant is reminded to approach relevant authority/government department(s) directly to obtain the necessary approval. The applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links: 護養樹木的簡易圖解: http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf; 樹木管理手冊: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html; 樹木風險評估及管理安排: https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html; 護養樹木保障安全: http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf; 減低樹木風險的樹木護養簡易圖解: [http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (g) 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 applicant is advised that 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. However, 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 that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned 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 Authorised Person should be appointed as the coordinator 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.