

Similar Applications within the Same “Open Space” Zone on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL/192	Proposed Shop and Services (Retail Shop)	19.10.2012 approved for 3 years [Revoked on 19.4.2013]	(1), (2), (3)
2	A/YL/200	Proposed Shop and Services (Retail Shop)	16.8.2013 approved for 3 years	(1), (2), (3)
3	A/YL/215	Proposed Temporary Shop and Services (Farm Product and Grocery Shop) with Ancillary Office and Storeroom for a Period of 6 Years	23.10.2015	(1), (2), (3), (4), (5), (6), (7), (8), (9)
4	A/YL/218	Proposed Temporary Shop and Services (Real Estate Agency and Car Audio Shop) for a Period of 6 Years	19.2.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)
5	A/YL/221	Renewal of Planning Approval for Temporary "Shop and Services (Retail Shop)" for a Period of 3 Years	24.6.2016	(1), (2), (3)
6	A/YL/233	Proposed Temporary Shop and Services (Real Estate Agency, Book Shop and Ancillary Site Office) for a Period of 6 Years	22.9.2017	(1), (2), (3), (6), (7), (8), (9)

Approval Conditions:

- (1) Operation hours restricted between specific time/no operation during specific time limit is allowed on the site.
- (2) Submission and provision/implementation of water supplies for firefighting/fire service installations proposal.
- (3) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (4) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period.
- (5) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period
- (6) Submission and implementation of drainage proposal.
- (7) Maintenance of the implemented drainage facilities.

- (8) Submission and implementation of landscape proposal.
- (9) Upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL/156	Temporary Place of Recreation (including Outdoor Barbecue Area), Eating Place, and Shop and Services (Retail of Frozen Food) for a Period of 3 Years	30.11.2007	(1), (2), (3)
2	A/YL/160	Temporary Place of Recreation (including Outdoor Barbecue Area), Eating Place, and Shop and Services (Retail of Frozen Food) for a Period of 3 Years	18.4.2008	(1), (2), (3)

Main Reasons for Rejection:

- (1) The development was environmentally undesirable as it would cause noise and odour nuisance to nearby residents and problems of public hygiene.
- (2) Insufficient information in the submission to demonstrate that the development would not have adverse traffic and drainage impacts on the surrounding areas.
- (3) Approval of the planning application would set an undesirable precedent for other similar applications in the "Open Space" zone. The cumulative effects of approving such applications would result in a general degradation of the environment of the area.

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

1. The gradients and the dimension of all the proposed U-channels should be shown on the drainage plan.
2. The connection details of existing drainage facilities, to which the stormwater of the development from the Site would discharge, should be provided for comment.
3. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan.
4. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
5. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit.
6. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
7. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

Advisory clauses

- (a) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the application site (the Site) comprises an Old Schedule Agricultural 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. The Site is accessible to Tai Kei Leng Road via Government land (GL). Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The owner(s) of the lots will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord 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;
- (b) to note the Commissioner for Transport's comments that the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed. The land status of the access road/path/track leading to the Site from Tai Keng Leng Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department is not and shall not be responsible for the maintenance of the access road connecting the Site and Tai Keng Leng Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) 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;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that he has the following comment on the submitted drainage proposal: The gradients and the dimension of all the proposed U-channels should be shown on the drainage plan. The connection details of existing drainage facilities, to which the stormwater of the development from the subject site would discharge, should be provided for comment. 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, District Officer (Yuen Long) should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD

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.

- (f) to note the Director of Fire Services' comments 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 and 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 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 Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of his department, they are unauthorized building works (UBW) 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 and land filling) are to be carried out on the Site, prior approval and consent of his department should be obtained, otherwise they are UBW. An Authorized Person (AP) 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 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 Building (Planning) Regulation at the building plan submission stage;
- (h) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site. The applicant is also reminded to submit works to BD for approval as required under the provisions of the BO; and
- (i) to note the Director of Electrical and Mechanical Services' comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.