

Previous S.16 Applications covering the Site

Approved Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC / TPB)</u> | <u>Approval Condition(s)</u> |
|----|-------------------------------|---|--|---|
| 1. | A/DPA/YL-PH/26 | Open Storage of Timber | 21.1.1994 (Rejected) 24.6.1994 (Approved on review on a temporary basis) | (1), (2), (3), (4), (5) |
| 2. | A/DPA/YL-PH/32 | Open Storage of Vehicles | 17.6.1994 (On a temporary basis for a period of 3 years) | (1), (3), (4) |
| 3. | A/YL-PH/57 | Open Storage of Vehicles | 18.10.1996 | (3), (4), (5), (6), (7) |
| 4. | A/YL-PH/106 | Open Storage of Private Cars for Re-export | 8.8.1997 | (3), (4), (5) |
| 5. | A/YL-PH/147 | Open Storage of Private Cars for Re-export | 5.12.1997 | (3), (4), (5), (8) |
| 6. | A/YL-PH/773 | Proposed Temporary Wholesale Trade (Food) for a Period of 3 Years | 6.4.2018 (revoked on 6.9.2020) | (3), (4), (9), (10), (11), (12), (13), (14) |

Approval Conditions

- (1) The provision of a vehicular access, on-site parking and loading / unloading facilities / submission of car parking layout.
- (2) Erection of a 3m high solid boundary wall and provision of noise mitigation measures.
- (3) Provision of stormwater drainage facilities / drainage facilities / submission and implementation of drainage proposal.
- (4) Submission / implementation of landscaping proposals.
- (5) Cessation of permission by the specified date unless the development is commenced or permission is renewed.

- (6) Paving of the site to minimize dust impact of vehicle movement.
- (7) Provision of vehicular ingress / egress.
- (8) Setting back of the site to avoid encroaching onto Government Land.
- (9) Restriction of operation hours.
- (10) Maintenance of existing boundary wall.
- (11) No vehicle is allowed to queue back to or reverse onto / from public road / no vehicle is allowed to make left turn from the site to the public road.
- (12) Provision of fire extinguishers.
- (13) Submission / implementation of Fire Service Installations proposal.
- (14) Revocation of planning approval if any planning conditions are not complied with during the planning approval period / by the specified date.

Rejected Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Rejection Reasons</u> |
|----|-------------------------------|-------------------------------|---|-------------------------------------|
| 1. | A/DPA/YL-PH/27 | Open Storage of Vehicles | 4.2.1994 | (1), (2), (3), (4) |

Rejection Reasons

- (1) The development is not in line with the planning intention for the area which is to preserve and encourage agricultural activities and to encourage the upgrading of existing temporary structures through reconstruction with permanent materials with a view to improving the environment.
- (2) Insufficient information on parking and loading/unloading facilities has been included in the submission.
- (3) The vehicular access is not acceptable as it is too close to road junctions on the other side of Fan Kam Road.
- (4) No landscaping proposals have been included in the submission.

**Detailed comments on the submitted drainage proposal
by Chief Engineer / Mainland North, Drainage Services Department**

1. Please indicate the overland flow pattern around the Site. Besides, it appears that overland flow from Fan Kam Road is passing through the Site. Please clarify whether the proposed drainage facilities have included such additional flow from outside the Site.
2. Please provide calculation to justify that the downstream pipe has spare capacity to accommodate the discharge from the Site.
3. Fig. 2 & 3: The downstream public drain is DN525 instead of DN450 while the upstream UC is 525 instead of 450.
4. It appears that the applicant will make connection to the public drainage system in the area. If yes, the applicant should clarify whether he is prepared to undergoing the following process:
 - (a) Furnish him with their connection proposal for agreement. After obtaining his agreement, the applicant shall submit a duly completed Form HBP1 with a cross cheque covering the technical audit fee and a plan showing the details of the proposed drainage connection works to this Division for the formal application for the required connection. Upon his acceptance of the connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings at the resources of the applicant. Please note that all stormwater drainage facilities to be completed under the proposed development, whether within private lots or Government Lands, shall be solely maintained by the applicant and the successive owners of the proposed development at their own resources. Please ensure that the applicant and the successive owners of the proposed development would be duly bound by such obligations and all other conditions related to stormwater drainage. The applicant shall also be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development.

Advisory Clauses

- (a) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) note DLO/YL, LandsD's comments the Site comprises Government Land (GL) and Old Scheduled 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 GL (about 226m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or obtain a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by LandsD acting in the capacity as the 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 rent or fee, as may be imposed by the LandsD;
- (c) note CHE/NTW, HyD's comments that the applicant should provide the run in/out at Fan Kam 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 adjacent pavement. HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) 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 DEP;
- (e) note CE/MN of DSD's comments that:
 - (1) please indicate the overland flow pattern around the Site. Besides, it appears that overland flow from Fan Kam Road is passing through the Site. Please clarify whether the proposed drainage facilities have included such additional flow from outside the Site;
 - (2) please provide calculation to justify that the downstream pipe has spare capacity to accommodate the discharge from the Site;
 - (3) fig. 2 & 3: The downstream public drain is DN525 instead of DN450 while the upstream UC is 525 instead of 450;

- (4) it appears that the applicant will make connection to the public drainage system in the area. If yes, the applicant should clarify whether he is prepared to undergoing the following process:
- (i) furnish him with their connection proposal for agreement. After obtaining his agreement, the applicant shall submit a duly completed Form HBP1 with a cross cheque covering the technical audit fee and a plan showing the details of the proposed drainage connection works to this Division for the formal application for the required connection. Upon his acceptance of the connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings at the resources of the applicant. Please note that all stormwater drainage facilities to be completed under the proposed development, whether within private lots or Government Lands, shall be solely maintained by the applicant and the successive owners of the proposed development at their own resources. Please ensure that the applicant and the successive owners of the proposed development would be duly bound by such obligations and all other conditions related to stormwater drainage. The applicant shall also be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development.
- (f) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (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 the prevailing 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, demolition and land filling etc.) are to be carried out on the Site, prior approval and consent of the BA 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Detailed checking under the BO will be carried out at building plan submission stage;
- (g) note D of FS's comments that in consideration of the design/nature of the proposal, 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 layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service

requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) note DFEH's comments that such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings. Proper license / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. No environmental nuisance should be generated on the surroundings. Also, for any waste generated from the operation and work, the applicant should arrange for its disposal properly at their own expense.

