

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Applied Use(s)/Development(s)</u></b>	<b><u>Zoning(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-LFS/28	Temporary Open Storage of Marble (12 Months)	REC	22.5.1998 (12 Months)	1, 2, 3
2	A/YL-LFS/45	Temporary Open Storage of Marble (12 Months)	REC	5.11.1999 (12 Months)	1, 2, 3, 4
3	A/YL-LFS/68	Temporary Open Storage of Marble (3 Years)	REC	26.10.2001 on review (12 Months) (revoked on 26.4.2002)	1, 2, 4, 5, 6, 7, 8
4	A/YL-LFS/307	Proposed Temporary Shop and Services (Retail of Family Goods) with Ancillary Office for a Period of 3 Years	REC	9.2.2018 (3 Years) (revoked on 9.5.2020)	1, 2, 6, 9, 10, 11

**Approval Conditions**

1. The submission and implementation of landscaping proposal.
2. Reinstatement clause.
3. The provision of flood mitigation measures and/or drainage facilities.
4. Revocation clauses.
5. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
6. Submission and/or implementation of drainage proposals and/or provision of drainage facilities proposed.
7. Submission and implementation of environmental mitigation measures proposals.
8. Submission and provision of vehicular access arrangement to the site.
9. No night time operation.
10. The implemented drainage facilities on the Site shall be maintained at all times.
11. The submission and implementation of fire service installations proposal.

**Similar s.16 Applications for Temporary Shop and Services Use  
Within the same “REC” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-LFS/330	Proposed Temporary Shop and Service (Retail of Family Goods) with Ancillary Office for a Period of 3 Years	REC	4.1.2019	1-6
2	A/YL-LFS/370	Proposed Temporary Shop and Services (Selling of Radio Controlled Cars and Accessories) for a Period of 3 Years	REC and CPA	9.10.2020	1-5, 7-10

**Approval Conditions**

1. No night time operation.
2. The submission and implementation of drainage proposal.
3. The implemented drainage facilities shall be maintained at all times.
4. The submission and implementation of fire service installations proposal.
5. Revocation clauses.
6. The existing vegetation on the site shall be maintained in good condition at all times.
7. Only private car and light goods vehicle are allowed to enter/exit the Site.
8. No vehicle is allowed to queue back or reverse onto/from the public road at any time.
9. No site formation works/hard paving within the “Coastal Protection Area” zone, as proposed by the applicant, is allowed on the Site at any time.
10. Paving the parking/manoeuvring area with grass within the “Coastal Protection Area” zone before operation of the proposed use.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) the permission is given to the proposed temporary shop and services (retail of family goods) with ancillary office use under application. It does not condone any other use which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use not covered by the permission;
- (c) 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 application;
- (d) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that 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 may encroach both sub-divisions 3 and 4 of slope No. 2SW-C/F-32. The concerned slope area within the Site is not maintained by Government. The lot owner(s) of the lot has to apply to his office for permitting the structures to be erected or regularize any irregularity 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. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (e) to note the comments of the Commissioner for Transport (C for T) that the local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road. Slope No. 2SW-C/F-32 is not maintained by HyD;
- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP);
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant should maintain proper and regular housekeeping for the planting area. There should be no piling of objects or debris on the planting area. Weeding of planting areas should be carried out in regular basis for health

growth of the plants. The applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site. Useful information published by the GLTM Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:

- Pictorial Guide for Tree Maintenance (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](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)
- Minimising Tree Risks (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](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)
- Pictorial Guide for Tree Maintenance to Reduce Tree Risks (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)

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (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 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) 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;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the drainage plan:
- (i) the applicant shall indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system);
  - (ii) the existing discharge path and discharge point indicated on plan, to which the applicant proposed to discharge the stormwater from the Site were not maintained by his office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, District Officer/Yuen Long (DO/YL) should be consulted;

- (iii) further to (ii) above, since there is no record of the said discharge path, the applicant should provide site photos to demonstrate its presence and existing condition;
  - (iv) the gradients and the sizes of the proposed U-channels should be shown on the drainage plan;
  - (v) the cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan;
  - (vi) cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
  - (vii) where walls or hoarding are erected and laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site;
  - (viii) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
  - (ix) 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.
- (k) to note the comments of the Director of Fire Services (D of FS) that the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (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 be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (l) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit the proposed building works and any necessary slope remedial/site formation works to BD for approval under the provisions of the BO.