

Previous s.16 Applications covering the Application Site

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-MP/96	Temporary Use for Car Trading for a Period of 3 Years	14.12.2001 Approved by TPB on review (3 Years)	(1), (2), (3), (4)
2.	A/YL-MP/135	Temporary Use for Car Trading for a Period of 3 Years	17.12.2004 Approved by RNTPC (3 Years)	(1), (5)
3.	A/YL-MP/163	Renewal of Planning Approval for Temporary Car Trading Use for a Period of 3 Years	14.12.2007 Approved by RNTPC (3 Years)	(1), (5), (6)
4.	A/YL-MP/187	Renewal of Planning Approval for Temporary Car Trading Use for a Period of 3 Years	10.12.2010 Approved by RNTPC (3 Years)	(1), (5), (6), (7), (8), (9), (11)
5.	A/YL-MP/227	Renewal of Planning Approval for Temporary Car Trading Use for a Period of 3 Years	13.12.2013 Approved by RNTPC (3 Years)	(1), (5), (6), (7), (9), (10), (11), (12), (13)
6.	A/YL-MP/253	Renewal of Planning Approval for Temporary Car Trading Use for a Period of 3 Years	25.11.2016 Approved by RNTPC (3 Years)	(1), (5), (6), (7), (9), (10), (11), (12), (13)

Approval Conditions

- (1) No car washing / vehicle repairing / dismantling / paint spraying / other workshop activities are allowed on the site at any time.
- (2) The submission and implementation of landscaping proposal.
- (3) The submission of drainage proposal / the provision of the proposed drainage facilities.
- (4) The submission and implementation of car parking layout plan.
- (5) The landscape planting / existing vegetation and drainage facilities on the site should be maintained at all time.
- (6) The submission and implementation of fire service installations proposal.
- (7) No night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site.
- (8) No operation from 5:00 p.m. to 7:00 p.m. and from 9:00 a.m. to 10:00 a.m. on Sundays, as proposed by the applicant, is allowed on the site.
- (9) No operation on public holidays, as proposed by the applicant, is allowed on the site.
- (10) No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site at any time.
- (11) The paving and boundary fencing on the site should be maintained at all times.
- (12) No operation from 5:00 p.m. to 10:00 a.m. on Sundays, as proposed by the applicant, is allowed on the site.
- (13) The submission of records of the existing drainage facilities on site.

Recommended Advisory Clauses

- (a) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site (the Site);
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that should planning approval be given, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on the 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. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 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 LandsD;
- (d) to note the comments of the Commissioner of Transport that the Site is connected to the public road network via a section of private lot(s) and Fairview Park Boulevard which are not managed by Transport Department. As there is no information about the vehicular access at the private lot(s) to the Site, he presumes the applicant would arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access;
- (e) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the environmental mitigation measures as recommended in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
 - (i) 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 Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the Buildings Department 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;

- (iii) 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; and
 - (iv) 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.
- (g) to note the comments of the Director of Fire Services as follows:
- (i) the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval;
 - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (iii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iv) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.
- (h) to note the comments of the Director of Food and Environmental Hygiene that if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.