

Previous s.16 Application covering the Application Site

Approved s.16 Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-MP/279	Proposed Temporary Shop and Services (Electronic Goods Showroom) for a Period of 3 Years	31.5.2019 Approved by RNTPC (3 Years)	(1), (2), (3), (4), (5)

Approval Conditions

- (1) No operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site.
- (2) No vehicle is allowed to access the site at all times.
- (3) The submission and implementation of fire service installations proposal.
- (4) The submission and implementation of drainage proposal.
- (5) The implemented drainage facilities should be maintained at all times.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner will need to apply to his office for a Short Term Waiver to permit 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the 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 not approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (b) to note the comments of the Commissioner for Transport (C for T) that the land status of the local access road and private lot(s) should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD is not/shall not be responsible for the maintenance of any access connecting the application site (the Site) and Castle Peak Road – Tam Mi. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded that it is his responsibility to comply with all relevant environmental legislations during construction and operation of the project. The applicant is also advised to follow the “Recommended Pollution Control Clauses for Construction Contracts” (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html) to minimize the environmental impacts during the construction stage and the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to ensure that the existing trees on adjacent Government land would not be affected;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) 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 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;
 - (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 (D of FS) 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; and
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that 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.