

**Appendix II of RNTPC  
Paper No. A/YL-PH/788**

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

**Approved Application**

	<b>Application No.</b>	<b>Proposed Use(s)</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Condition(s)</b>
1	A/YL-PH/708	Temporary Shop and Services for a Period of 3 Years	16.1.2015 [revoked on 16.4.2017]	(1), (2), (3), (4), (5), (6), (7)

**Approval Conditions**

1. Restriction on operating hours
2. The submission and implementation of fire service installations proposal
3. The submission and implementation of tree preservation proposal
4. The submission and implementation of drainage proposal
5. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period
6. If the planning condition is not complied with at all time during the approval period or by a specified date, the approval shall cease to have effect and be revoked without further notice
7. Reinstatement of the Site to an amenity area upon expiry of the planning permission



**Appendix III of RNTPC  
Paper No. A/YL-PH/788**

**Similar Applications within the Same “V” Zone  
on the Pat Heung Outline Zoning Plan**

**Approved Applications**

	<b>Application No.</b>	<b>Proposed Use(s)</b>	<b>Date of Consideration (RNTPC)</b>	<b>Approval Condition(s)</b>
1	A/YL-PH/672	Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years	6.9.2013	(1), (2), (6), (7)
2	A/YL-PH/744	Temporary Shop and Services (Provision Store) for a Period of 3 Years	23.6.2017	(1), (2), (3), (4), (5), (6), (7), (8)

**Approval Conditions**

1. Restriction on operating hours
2. The submission and implementation of fire service installations proposal
3. The submission and implementation of tree preservation proposal
4. The submission and implementation of drainage proposal
5. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period
6. If the planning condition is not complied with at all time during the approval period or by a specified date, the approval shall cease to have effect and be revoked without further notice
7. Reinstatement of the Site to an amenity area upon expiry of the planning permission
8. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period



**Appendix IV of RNTPC  
Paper No. A/YL-PH/788**

**Detailed Comments of the Chief Town Planner/Urban Design and Landscape Section ( CTP/UD&L , PlanD)**

- (i) Referring to the submitted layout plan, one existing *Ficus microcarpa* (細葉榕) is indicated at the northern part of the Site. However, no existing tree is recorded within the application site boundary as per the site visit record of his office in January 2018. Please review.
- (ii) Noting an existing mature *Ficus microcarpa* (細葉榕) is located near the northern boundary with part of the tree crown spread into the Site, it appears that it will be in conflict with proposed structure “3” stipulated in the submitted layout plan. Appropriate measures should be taken to avoid potential adverse impact to the tree crown of the adjacent tree during the erection of proposed structure “3”.

**Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)**

The comments on the drainage proposal are as below:

- (i) The size of the u-channel should be marked on plan.
- (ii) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. The level of the channel should be lower than the adjacent ground in order to collect the overland flow.
- (iii) Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits.
- (iv) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (v) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
- (vi) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

- (vii) 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.

**Detailed Comments of the Director of Food and Environmental Hygiene (DFEH)**

- (i) For the operation of any types of food business, relevant food licences should also be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). Under the Food Business Regulation, Cap. 132X, a food business licence is required for the operation of the relevant type of food business listed in the Regulation.
- (ii) Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.

**Appendix VI of RNTPC  
Paper No. A/YL-PH/788**

**Advisory Clauses**

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (c) note DLO/YL, LandsD's comments the Site comprises Government Land (GL) and 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 from Kam Tin Road via GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. 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 as 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 premium or fee, as may be imposed by the LandsD;
- (d) note C for T's comments that the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the access road/path/track leading to the Site from Kam Tin Road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the access road/path/track should be clarified with the relevant lands and maintenance authorities;
- (e) note CHE/NTW, HyD's comments that his department is not and shall not maintain 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;
- (f) 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;
- (g) note CTP/UD&L, PlanD's comments that referring to the submitted layout plan, one existing *Ficus microcarpa* (細葉榕) is indicated at the northern part of the Site. However, no existing tree is recorded within the application site boundary as per the site visit record of his office in January 2018. Please review. Noting an existing

mature *Ficus microcarpa* (細葉榕) is located near the northern boundary with part of the tree crown spread into the Site, it appears that it will be in conflict with proposed structure "3" stipulated in the submitted layout plan. Appropriate measures should be taken to avoid potential adverse impact to the tree crown of the adjacent tree during the erection of proposed structure "3";

- (h) note CE/MN, DSD's comments on the drainage proposal that the size of the u-channel should be marked on plan. Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. The level of the channel should be lower than the adjacent ground in order to collect the overland flow. Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. 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 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;
- (i) 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 Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) note CBS/NTW, BD's comments that before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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. 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 B(P)R at the building plan submission stage;



- (k) note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. For the operation of any types of food business, relevant food licences should also be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). Under the Food Business Regulation, Cap. 132X, a food business licence is required for the operation of the relevant type of food business listed in the Regulation. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment. 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 expense; and
- (l) note DEMS's 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. They 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.

