

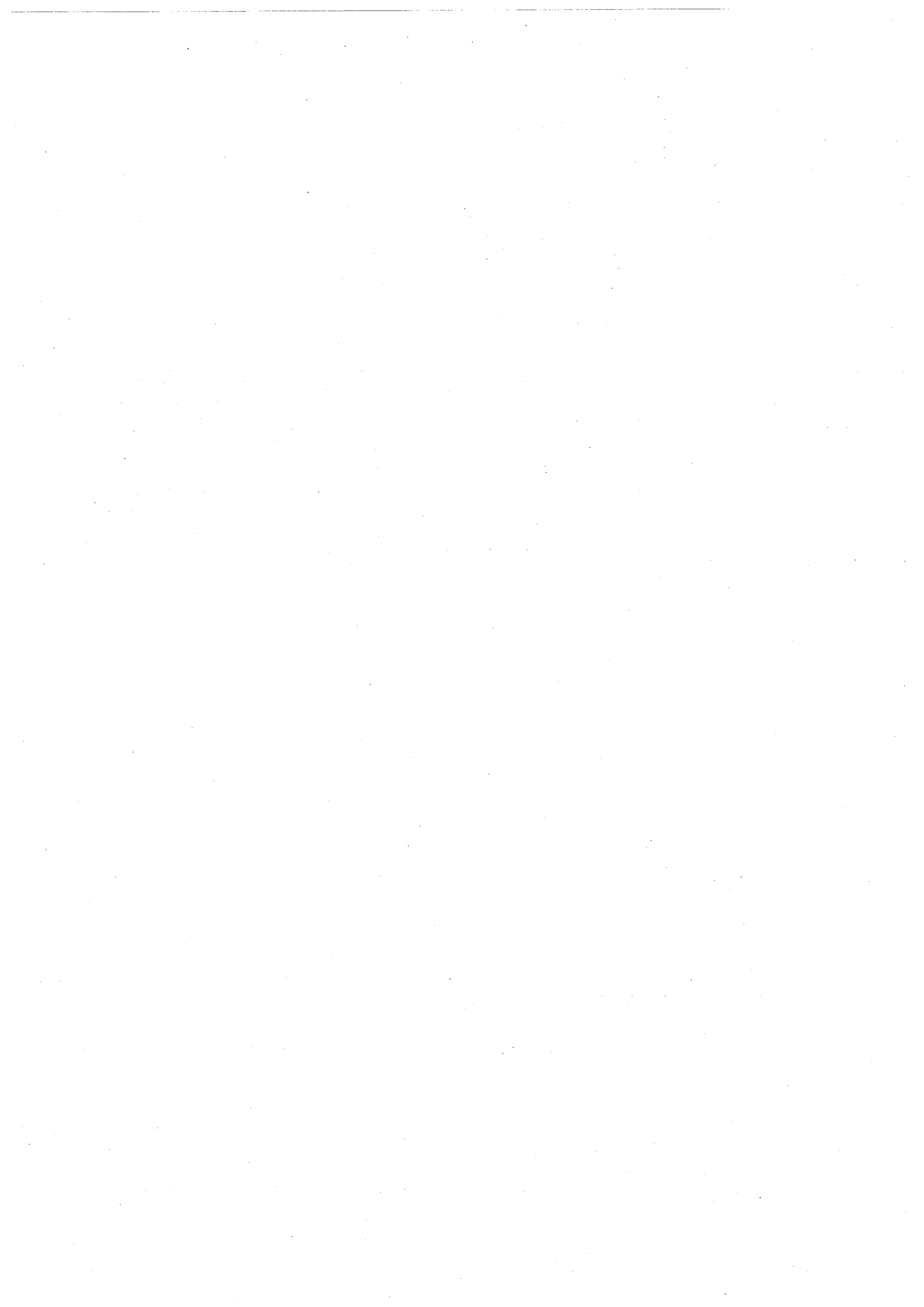
**Similar Applications for Shop and Services Uses
within the Same “V” zone on the Pat Heung Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-PH/672	Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years	6.9.2013 (approved on a temporary basis of 3 years, instead of the 5 years sought)	(1), (5), (6), (7)
2	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)
3	A/YL-PH/744	Temporary Shop and Services (Provision Store) for a Period of 3 Years	23.06.2017	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-PH/788	Temporary Shop and Services (Daily Supplies and Food Retail Shop) for a Period of 3 Years	7.9.2018	(1), (2), (4), (5), (6), (7), (8)
5	A/YL-PH/813	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.7.2019	(1), (4), (5), (6)

Approval Conditions

- (1) Restriction on operation hours.
- (2) No medium or heavy goods vehicles as defined in the Road Traffic Ordinance allowed.
- (3) The submission and/or implementation of landscaping/tree preservation proposals/maintenance of landscape plantings.
- (4) The submission and / or implementation/maintenance of drainage facilities/ submission of drainage record/drainage arrangement.
- (5) The submission and implementation of fire service installations proposals.
- (6) If any of the planning conditions is not complied with during the planning approval period/by a specified date, the approval hereby given shall cease to have effect and shall be revoked without further notice.
- (7) Upon expiry of the planning permission, the reinstatement of the application site to an amenity area.
- (8) No reversing of vehicles into or out of the site is allowed/ No vehicle is allowed to queue back to or reverse onto/from public road.



Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Old Schedule 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. The Site is accessible from Fan Kam Road via Government Land (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 lot owner(s) will need to apply to his office to permit the structures 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. 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 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;
- (c) note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) 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. His department is not / shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains;
- (e) follow relevant mitigation measures and requirement in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize any potential adverse environmental impact;
- (f) note DAFC's comments that there is a semi-natural stream to the south of the Site, where the protected *Paramesotriton hongkongensis* (香港瘰螈) have been recorded according to previous ecological surveys. The applicant should minimize the potential disturbance and pollution to the nearby stream during construction and

operation of the proposed use;

- (g) note CE/MN, DSD's comments that the drainage proposal under the relevant approval conditions should show how the flow paths of overland flow from and / or across the Site could be intercepted and disposed of properly without inducing adverse drainage impact to both surrounding areas, the Site and the adjacent stream course. The applicant should also demonstrate that no site formation works had been / will be carried out that will adversely affect the adjacent streamcourse;
- (h) note D of FS' comments that in consideration of the design / nature of the proposal, FSIs are anticipated to be required. The applicant should 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 FSIs to be installed should be clearly marked on the layout plans. 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;
- (i) note CBS/NTW, BD's comments that 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 (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 Buildings Department (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; and
- (j) note DFEH's comments that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings. For any waste generated from the business, the applicant should arrange disposal properly at their own expense. 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.