

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-SK/183	Temporary office with ancillary storage area and car parking for a period of 3 years	5.4.2013 (revoked on 5.10.2013)	(1), (2), (3), (4), (5), (6), (7), (8)
2.	A/YL-SK/203	Temporary office with ancillary storage area and car parking for a period of 3 years	13.3.2015	(1), (3), (4), (5), (6), (8)

Approval Conditions

- (1) Restriction on operation hours
- (2) Submission and implementation of landscape proposal
- (3) Submission and/or implementation of fire service installations proposal
- (4) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period
- (5) Reinstatement of the site to an amenity area upon expiry of the planning permission
- (6) No medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the site
- (7) No reversing of vehicles into or out from the site
- (8) No dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop-related activities should be carried out on the application site



Similar Applications in the Same and Adjoining "V" Zones on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-SK/152	Temporary shop and services (real estate agency) for a period of 3 years	8.5.2009 (approved for 1 year) (revoked on 8.3.2010)	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-SK/160	Temporary shop and services (real estate agency) for a period of 3 years	28.1.2011 (approved for 1 year)	(1), (2), (3), (5), (6), (7), (8)
3	A/YL-SK/164	Temporary shop and services (real estate agency) and ancillary office for a period of 3 years	18.11.2011	(1), (3), (4), (5), (16), (17)
4	A/YL-SK/167	Temporary shop and services (real estate agency) for a period of 3 years	20.1.2012 (revoked on 28.1.2013)	(1), (2), (5), (6), (7), (8), (9)
5	A/YL-SK/169	Temporary shop and services (horticulture and interior design sample showroom) and office for a period of 3 years	15.6.2012 (revoked on 15.12.2012)	(3), (4), (5), (6), (7), (13), (14), (15), (16)
6	A/YL-SK/185	Temporary shop and services (real estate agency) for a period of 3 years	3.5.2013	(1), (2), (5), (6), (7), (8), (9)
7	A/YL-SK/195	Temporary shop and services (brass ware showroom and retail shop) and staff quarters with ancillary office for a period of 3 years	8.11.2013 (revoked on 8.2.2015)	(1), (3), (5), (6), (7), (12)
8	A/YL-SK/204	Temporary shop and services (car audio shop) and ancillary office for a period of 3 years	12.12.2014	(1), (3), (5), (6), (7), (8), (10), (11)
9	A/YL-SK/205	Temporary shop and services (real estate agency and retail shop for furniture and pet accessory) with ancillary office for a period of 3 years	27.2.2015	(1), (3), (4), (5), (6), (10), (11), (16)

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
10.	A/YL-SK/214	Temporary shop and services (real estate agency) for a period of 3 years	3.5.2016	(1), (3), (5), (6), (7), (8), (9)
11.	A/YL-SK/234	Proposed Temporary Shop and Services (Car Audio Shop) and Ancillary Office for a Period of 3 Years	6.4.2018	(1), (3), (4), (5), (6), (7), (8), (9), (10), (11),

Approval Conditions

- (1) Restriction on operation hours
- (2) Maintenance or provision of boundary fence
- (3) Submission and/or implementation of the landscape and/or tree preservation proposals
- (4) Submission of drainage proposal and implementation of drainage facilities
- (5) Submission and implementation of fire service installations proposal
- (6) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period
- (7) Reinstatement of the site to an amenity area upon expiry of the planning permission
- (8) Maintenance of existing drainage on site and/or submission of drainage record of existing facilities
- (9) Maintenance of existing trees and landscape planting on the application site
- (10) No medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the site
- (11) No queue back to or reversing of vehicles into or out from the site
- (12) No loading/unloading activities are allowed to be carried out along Kam Sheung Road
- (13) No storage was allowed at the open areas of the application site
- (14) No workshop-related activities should be carried out on the application site
- (15) No vehicle leaving the site to Kam Sheung Road should be allowed to turn right
- (16) The submission and provision of run-in/out proposal
- (17) The existing access track to the east of the application site should be allowed for use by the public

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) note 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 from the Government. The Site is accessible to Kam Sheung Road via Government Land (GL). 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 holder(s) will need to apply to his office for modification of the STW conditions if there is any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as the 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;
- (c) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by TD. 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 HyD does not and will not maintain any access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (e) adopt relevant measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to alleviate any potential environmental nuisance;

- (f) note CE/MN, DSD's comments that the applicant should be reminded to provide his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should also be reminded to consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried outside his lot boundary before commencement of the drainage works;
- (g) to note CE/C, WSD's comments that existing water mains will be affected (Plan A-2 of the RNTPC paper). The developer shall bear the cost if any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a Waterworks Reserve within 1.5 metres from the centerline of the water main shown on Plan A-2 of the RNTPC paper shall be provided to WSD. No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on Plan A-2 of the RNTPC paper. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (h) note D of FS' 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 plan. 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; and
- (i) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of his department (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings)

are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). 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.

