

**Similar s.16 Applications for
Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years
Within the same "R(D)" Zone on the
Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/YL-SK/248	Temporary Shop and Services (Retail Shop for Hardware Groceries) for a Period of 3 Years	17/05/2019	A1 – A10
A/YL-SK/251	Proposed Temporary Shop and Services (Metalware Retail Shop) for a Period of 3 Years	19/07/2019	A2 – A12

Approval Conditions:

- A1 No operation between 7:00 p.m. and 9:00 a.m. is allowed
- A2 No operation on Sundays and public holidays is allowed
- A3 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
- A4 No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time
- A5 No vehicle is allowed to queue back to or reverse onto/from public road at any time
- A6 The submission of proposal for fire service installations and water supplies for fire-fighting
- A7 The implementation of proposal for fire service installations and water supplies for fire-fighting
- A8 The submission of drainage proposal
- A9 The implementation of drainage proposal
- A10 The implemented drainage facilities on the site shall be maintained at all times
- A11 No operation between 5:00 p.m. and 10:00 a.m. is allowed

A12 All existing trees within the site shall be maintained at all times

Rejected Application

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
Nil	Nil	Nil	Nil

Reject Conditions

Nil

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD) that:
- (i) 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 of the Government;
 - (ii) the Site is accessible from Kam Sheung 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;
 - (iii) the Site falls within the Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed relevant airfield height limit within the SKAHRA; and
 - (iv) 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(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 LandsD.
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with LandsD. 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 of HyD) that HyD is not and will not be responsible for the maintenance of any access connecting the Site with Kam Sheung 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.
- (d) to note the comments of the Director of Environmental Protection (DEP) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites" issued by his department to minimise any potential environmental nuisances.
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) that:

- (i) the applicant should implement the drainage facilities on site in accordance with the accepted drainage proposal;
 - (ii) the applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system;
 - (iii) the proposed development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas; and
 - (iv) the applicant should consult DLO/YL of LandsD and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW of BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of Buildings Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
 - (ii) 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;
 - (iii) 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 BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iv) 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 respectively; and
 - (v) 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 Building (Planning) Regulations at the building plan submission stage.
- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations 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 fire service installations 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

