

Similar s.16 Applications

Approved Applications

	Application No.	Use(s)/Development(s)	Date of Consideration	Approval Conditions
1	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	A3 – A6, A9 – A11, A13, A14
2	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	A1, A2, A10, A13
3	A/YL-SK/205	Proposed 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	A1, A6, A7, A9 – A11, A13
4	A/YL-SK/228	Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	26.1.2018	A1, A5 – A8, A10 – A13
5	A/YL-SK/284	Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	23.10.2020	A1, A5 – A7, A11 – A13

Approval Conditions:

- A1. Restriction of operation hours.
- A2. No loading/unloading activities are allowed to be carried out along Kam Sheung Road.
- A3. No vehicle leaving the Site to Kam Sheung Road should be allowed to turn right.
- A4. No storage was allowed at the open areas of the Site.
- A5. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the Site.
- A6. No medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to park/store on or enter/exit the Site.

- A7. No vehicle is allowed to queue back to and/or reverse onto/from public road at any time.
- A8. The existing boundary fencing at the site shall be maintained at all times.
- A9. The submission/implementation of run-in/out proposal.
- A10. The submission/implementation of a tree preservation proposal/ landscape proposal.
- A11. The submission/implementation of drainage proposal.
- A12. The implemented drainage facilities on the site shall be maintained at all times.
- A13. The submission/implementation of fire service installations proposal.
- A14. Upon the expiry of the planning permission, the reinstatement of the Site to an amenity area.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, 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; and
 - (ii) the lot owner(s) will need to apply to DLO/YL, LandsD to permit the structure(s) 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. 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 rent or fee, as may be imposed by LandsD.
- (b) to note the comments of the Commissioner for Transport (C of T) that the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. 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, HyD) that:
- (i) HyD shall not be responsible for the maintenance of any access connecting the Site and Nam Hing West Road; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (d) to note the comments of the Director of Environmental Protection (DEP) to follow the relevant mitigation measures and requirements in the revised "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 Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;

- (ii) for UBW erected on leased land, enforcement action may be taken by 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;
 - (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 building plan submission stage;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vi) detailed checking under the BO will be carried out at building plan submission stage.
- (f) to note the comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the proposal, fire service installations (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 where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.
- (g) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD) that:
- (i) all works shall be carried out in compliance to the Development Bureau Technical Circular (Works) No. 1/2019 or Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-24 wherever applicable;
 - (ii) detailed method statement of the proposed works, including lifting works, shall be submitted to the Mass Transit Railway Corporation Limited (MTRCL) for review and prior agreement before commencement of works; and
 - (iii) the applicant is reminded that no dangerous goods or inflammable materials shall be stored within 6 m from the edge of any MTR structures.