

Previous s.16 Applications covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-NTM/234	Proposed Real Estate Office with Ancillary Car Park for a Period of 3 Years	27.3.2009 Approved by RNTPC (3 Years)	1, 2 & 3
2.	A/YL-NTM/285*	Temporary Real Estate Office and Transportation Office with Ancillary Car Parks and Storages for a Period of 3 Years [revoked on 8.8.2013]	8.2.2013 Approved by RNTPC (3 Years)	2, 3, 4 & 5
3.	A/YL-NTM/374	Temporary Shop and Services (Real Estate Office and Transportation Office) with Ancillary Car Park and Storage for a Period of 3 Years	16.11.2018 Approved by RNTPC (3 Years)	1, 2, 3, 6, 7, 8 & 9

*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of landscape and/or tree preservation proposal.
- (2) The submission of and implementation of drainage proposal.
- (3) The submission and provision of fire service installations proposal.
- (4) No night-time operation between 8:00 p.m. and 9:00 a.m. was allowed on the site.
- (5) The existing trees on the site should be maintained at all times.
- (6) No night-time operation between 6:00 p.m. and 9:00 a.m. is allowed on the site.
- (7) Only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times.
- (8) No vehicle is allowed to queue back to or reverse onto/from the site at any time.
- (9) The provision of boundary fence on the site.

**Similar s.16 Application within the same “Residential (Group D)” Zone
on the Ngau Tam Mei OZP No. S/YL-NTM/12**

Approved Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-NTM/290*	Proposed Temporary Real Estate Office for a Period of 3 Years [revoked on 19.10.2013]	19.4.2013 Approved by RNTPC (3 Years)	1, 2, 3 & 4

*denotes permission revoked

Approval Conditions

- (1) No night-time operation between 8:00 p.m. and 9:00 a.m. was allowed on the site.
- (2) The submission and implementation of landscape proposal.
- (3) The submission of and implementation of drainage proposal.
- (4) The submission and provision of fire service installations proposal.

Recommended Advisory Clauses

- (a) to resolve any land issues related to the development with the concerned owner(s) of the application site (the Site);
- (b) to note DLO/YL, LandsD's comments that the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on Site, if any. 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 of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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;
- (c) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issue by DEP to minimize potential environmental impacts on the surrounding area;
- (e) to note DAFC's comments that there is a retained meander located to the south of the Site. Should the application be approved, the applicant should be reminded to avoid disturbing the vegetation on the embankment of the meander and adopt necessary measures to prevent polluting the meander during operation;
- (f) to note CE/MN, DSD's comments that the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the

unobstructed discharge from the Site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site;

- (g) to note D of FS's comments that the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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) Regulation (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;
- (i) to note C of P's comments that no obstruction caused to the vicinity would be tolerated;
- (j) to note DEMS's comments that according to the Electricity Ordinance (Cap. 406)(EO), the owner of the fixed electrical installation shall employ registered electrical contractor (REC) to carry out electrical work. The registered electrical worker (REW) employed by the REC shall follow the Code of Practice for the Electricity (Wiring) Regulations (CoP) to design, construct, install and protect the fixed electrical installation. Code 26S of CoP described that charging facilities for electric vehicles should be designed and installed in accordance with the requirements specified in the relevant guidelines published by EMSD as appropriate and other relevant national / international standards or equivalent. Below please find the link of the "Technical Guidelines on Charging Facilities for Electric Vehicles" for your reference: https://www.emsd.gov.hk/filemanager/en/content_444/Charging_Facilities_Electric_Vehicles.pdf. In accordance with regulation 19 of Electricity (Wiring) Regulations, a fixed electrical installation shall, after completion (including any work completed after repair, alteration or addition) and before it is energised for use, be inspected, tested and certified by a REW by the issuance of Form WR1 to confirm that the requirements of EO have been met; and
- (k) to note DFEH's comments that if any Food and Environmental Hygiene Department (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. The project proponent should provide sufficient

amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper license and/or permit issued by FEHD 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 its subsidiary legislation and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

