

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

|   | <b><u>Application No.</u></b> | <b><u>Proposed Uses</u></b>                                | <b><u>Date of Consideration (RNTPC)</u></b>           | <b><u>Approval Conditions</u></b>      |
|---|-------------------------------|--|---|--|
| 1 | A/YL-PH/291                   | Public Car/Lorry Park                                      | 27.8.1999<br>[for a period of 3 years]                | (1), (2), (3), (4),<br>(5), (6), (7),  |
| 2 | A/YL-PH/468                   | Temporary Sale of Second-hand Cars for a Period of 3 Years | 28.5.2004<br>[for a period of 1 year]                 | (5), (6), (7), (8),<br>(9), (10)       |
| 3 | A/YL-PH/496                   | Temporary Sale of Second Hand Cars for a Period of 3 Years | 18.11.2005<br>[on review]<br>[for a period of 1 year] | (5), (6), (7), (8),<br>(9), (10), (11) |

**Approval Conditions**

- (1) No vehicles without valid licences issued under the Traffic Regulations would be allowed to be parked/stored on the application site
- (2) No container vehicles would be allowed to be parked/stored on the application site;
- (3) The submission of car parking layout
- (4) The provision of vehicular access arrangement
- (5) The submission / implementation / maintenance of landscaping proposals
- (6) The submission/ provision/ maintenance of drainage facilities
- (7) Upon expiry of the planning permission, the reinstatement of the application site to an amenity area
- (8) no vehicle repairing, maintenance and dismantling activities were allowed on site
- (9) restriction on operation hours
- (10) the provision of fire fighting facilities
- (11) the submission and provision of vehicular access proposal



**Similar Applications within the Same “V” Zone  
on the Pat Heung Outline Zoning Plan**

**Approved Applications**

|   | <b>Application No.</b> | <b>Proposed Use(s)</b>   | <b>Date of Consideration (RNTPC/TPB)</b> | <b>Approval Condition(s)</b>             |
|---|------------------------|--|--|--|
| 1 | A/YL-PH/672            | Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years                               | 6.9.2013<br>(for a period of 3 years)    | (1), (2), (6), (7)                       |
| 2 | A/YL-PH/708            | Temporary Shop and Services for a Period of 3 Years  | 16.1.2015<br>(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                                  | 23.6.2017                                | (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), (2), (4), (6), (9)                  |
| 6 | A/YL-PH/816            | Temporary Shop and Services for a Period of 3 Years  | 4.10.2019                                | (1), (2), (4), (5), (6), (8), (10)       |
| 7 | A/YL-PH/839            | Renewal of Planning Approval for Temporary Shop and Services (Provision Store) for a Period of 3 Years | 12.6.2020                                | (1), (5), (6), (7), (8), (9), (11), (12) |

|   | <b>Application No.</b> | <b>Proposed Use(s)</b>  | <b>Date of Consideration (RNTPC/TPB)</b> | <b>Approval Condition(s)</b>  |
|---|------------------------|---|--|-------------------------------|
| 8 | A/YL-PH/850            | Temporary Shop and Services (Car Beauty Services) for a Period of 3 Years | 20.11.2020                               | (1), (2), (4), (6), (8), (13) |

Approval Conditions

1. Restriction on operating hours
2. Submission / implementation of fire service installations proposal
3. Submission / implementation of tree preservation proposal
4. Submission / implementation of drainage proposal / maintenance of drainage facilities
5. No medium and heavy goods vehic exceeding 5.5 tonnes are allowed
6. Revocation of planning approval if any of the planning conditions are not complied with during the planning approval period / by the specified date
7. Reinstatement of the application Site upon expiry of the planning permission
8. No vehicle is allowed to queue back to or reverse onto / from public road at any time
9. Submission of a record of the existing drainage facilities
10. Submission / implementation of a run-in / out proposal
11. Existing trees at the site shall be maintained at all times
12. Existing fire service installations implemented on the Site shall be maintained in efficient working order at all times
13. No dismantling, maintenance, repairing, car washing, paint spraying or other workshop activities shall be carried out on the site

**Advisory Clauses**

- (a) 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 lot owner(s) will need to apply to his office 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 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 rent or fee, as may be imposed by the LandsD;
- (b) 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 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;
- (c) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP;
- (e) note D of FS's 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 plans. 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;
- (f) note CBS/NTW, BD's comments that 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 BA should be obtained, otherwise they unauthorized building works (UBW) under the BO. An Authorized Person 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 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. 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. 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 the building plan submission stage. 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. Detailed checking under the BO will be carried out at building plan submission stage; and

- (g) note CE/C, WSD's comments that a Waterworks Reserve within 5 metres from the centerline of the watermains shown on **Plan A-2** of this RNTPC paper shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage of materials and car-parking purpose. The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the Waterworks Reserve are required to seek authorization from the Water Authority. No new 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 this 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.