

**Similar s.16 Applications for
Temporary Shop and Services (Domestic Goods Retail Shop)
within the same "V" Zone in the vicinity 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/152 | Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years | 08/05/2009 | A1 - A8 |
| A/YL-SK/160 | Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years | 28/01/2011 | A2 - A4, A7, A9 - A11 |
| A/YL-SK/164 | Temporary Shop and Services (Real Estate Agency) and Ancillary Office for a Period of 3 Years | 18/11/2011 | A5 - A7, A9, A11 - A15 |
| A/YL-SK/167 | Renewal of Planning Approval for Temporary "Shop and Services (Real Estate Agency)" Use under Application No. A/YL-SK/160 for a Period of 3 Years | 20/01/2012 | A7, A9, A11, A16 - A19 |
| A/YL-SK/185 | Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years | 03/05/2013 | A7, A9, A11, A16 - A19 |
| A/YL-SK/204 | Temporary Shop and Services (Car Audio Shop) with Ancillary Office for a Period of 3 Years | 12/12/2014 | A7, A9 - A11, A19 - A23 |
| A/YL-SK/214 | Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years | 22/04/2016 | A9, A10, A19, A24 - A26 |
| A/YL-SK/234 | Proposed Temporary Shop and Services (Car Audio Shop) and Ancillary Office for a Period of 3 Years | 06/04/2018 | A5 - A7, A9, A11, A20, A22, A23, A27 - A29 |
| A/YL-SK/253 | Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years | 03/05/2019 | A9, A10, A17, A19, A30 |

Approval Conditions

- A1 No night-time operation between 6:00 p.m. and 8:00 a.m.
- A2 The provision of boundary fence for setting out the application site boundary
- A3 The submission of landscape proposal
- A4 The implementation of landscape proposal
- A5 The submission of drainage proposal
- A6 The implementation of drainage facilities / proposal
- A7 The submission of fire service installations proposal
- A8 The provision of fire service installations
- A9 No night-time operation between 6:00 p.m. and 9:00 a.m
- A10 The existing drainage facilities on the application site should be maintained
- A11 The implementation of fire service installations proposal
- A12 The existing access track to the east of the application site should be allowed for use by the public
- A13 The submission of run-in/out proposal
- A14 The provision of run-in/out
- A15 The implementation of the accepted landscape proposal
- A16 The existing boundary fence on the application site should be maintained
- A17 The existing trees and landscape plantings on the application site should be maintained
- A18 The existing drainage facilities implemented under Application No. A/YL-SK/152 on the application site should be maintained
- A19 The submission of a record of the existing drainage facilities
- A20 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
- A21 No reversing of vehicles into or out from the site is allowed
- A22 The submission of landscape and tree preservation proposal
- A23 The implementation of landscape and tree preservation proposal
- A24 The submission of a tree preservation proposal

- A25 The implementation of the tree preservation proposal
- A26 The implementation of the accepted fire service installations proposal
- A27 No operation on Sundays and public holidays
- A28 No vehicle is allowed to queue back to or reverse into/from public road
- A29 The implemented drainage facilities on the application site should be maintained
- A30 The existing fire service installations implemented on the site should be maintained

Rejected Applications

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

Reasons for Rejection

Nil

Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Premises;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 of the Government. The Site is accessible from 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 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 Excepted 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 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;
- (c) 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 his department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that his department does not and will not maintain the access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (e) 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;
- (f) 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) are to be carried out on the Site, prior approval and consent of the Buildings Department (BD) should be obtained, otherwise they are unauthorized

building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) 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 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) 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;
 - (iv) 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 Building (Planning) Regulations at the building plan submission stage; and
- (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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.