

**Previous Application at the Site on the**  
**Approved Lam Tsuen Outline Zoning Plan No. S/NE-LT/11**

**Approved Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration (RNTPC)</b>	<b>Approval Conditions</b>
A/NE-LT/615	Temporary Shop and Services (Real Estate Agency) with Ancillary Car Park for a Period of 3 Years	8.12.2017 (Approved for 3 years up to 8.12.2020) (Revoked on 8.12.2018)	A1 – A10

**Approval Conditions**

- A1. No operation between 6:00 p.m. and 9:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period.
- A2. 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 during the planning approval period.
- A3. No reversing of vehicles into or out from the site is allowed at any time during the planning approval period.
- A4. The provision of boundary fencing on the site within specified periods from the date of planning approval.
- A5. The implementation of the accepted landscape proposal within specified periods from the date of planning approval.
- A6. The submission and implementation of a drainage proposal within specified periods from the date of planning approval.
- A7. The submission and implementation of a fire service installations and water supplies for fire fighting proposal within specified periods from the date of planning approval.
- A8. The submission and implementation of a slope stability assessment within specified periods from the date of planning approval.
- A9. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period.
- A10. Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.

**Recommended Advisory Clauses**

- (a) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application;
- (b) to note the Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
  - (i) no structure shall be erected on the subject lot without the prior approval from LandsD;
  - (ii) if the short term waiver application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including payment of waive fee and administrative fee as considered appropriate;
  - (iii) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto; and
  - (iv) the applicant should clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course;
- (c) to note the comments of the Commissioner for Transport (C for T) that:
  - (i) the applicant should provide sufficient space for the manoeuvring of vehicles entering to and exiting from the Site and manoeuvring within the Site; and
  - (ii) the existing village access connecting to the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should 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";
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) the Site is within an area where connections to existing public stormwater drainage is available in the vicinity;
  - (ii) the applicant should design the drainage proposal based on the actual site

condition for DSD's comment/agreement. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected; and

- (iii) there is no public sewer connection available in the vicinity of the proposed development;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C,WSD) that:
- (i) the Site is within upper indirect water gathering ground (WGG) and less than 30m from the nearest water course;
  - (ii) site formation, construction and drainage plans shall be submitted to the WSD for approval;
  - (iii) besides car parking, other activities such as car maintenance, repairing or washing activities shall not be allowed in the proposed development;
  - (iv) no effluent or foul water shall be discharged directly or indirectly into any watercourses without the prior written permission of the WSD;
  - (v) all solid waste and sludge arising from the operation of the proposed car park shall be disposed of properly outside the WGG;
  - (vi) the proposed car park shall be surrounded by kerbs and drains on all sides to avoid polluting the nearby watercourses during heavy rainfall;
  - (vii) fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown debris within the proposed car park;
  - (viii) no chemicals including fertilizers shall be used without the prior approval from the WSD;
  - (ix) provision of toilet facilities shall not be permitted at the Site without the prior approval from the WSD;
  - (x) drainage traps such as grease traps and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of fuel and lubricants. All effluent/pollutants arising from the proposed car park shall be disposed of properly outside the WGG;
  - (xi) no oil leakage or spillage in the WGG is allowed;
  - (xii) the storage and discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and other toxic substances are strictly prohibited within the WGG;

- (xiii) oil and grease decontamination kit such as absorbent pads shall be made available by the car park owner to decontaminate any oil leakage or spillage in the course of operation;
  - (xiv) should pollution be detected in future due to the car park, the car park shall immediately be closed pending implementation of remedial measures by the car park owner to the satisfaction of the WSD; and
  - (xv) the estate agency office should be located as far away from the water course as possible.
- (g) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant should submit layout plans incorporated with the proposed fire service installations for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - (ii) 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 the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any applied use under the application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to mobilize 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) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iv) in connection with (iii) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively; and
  - (v) if the Site does not abut on a specified street of not less than 4.5m wide, the development intensity shall be determined under Regulation 19(3) of Building (Planning) Regulations at building plan submission stage; and

- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
  - (i) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
  - (ii) the applicant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
  - (iii) the applicant is required to observe the Electrical and Mechanical Services Department (EMSD)'s requirements on the 'Avoidance of Damage to Gas Pipes 2<sup>nd</sup> Edition'.