

Previous Applications at the Site

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/409	Temporary Shop and Services (Real Estate Agency and Property Management) for a Period of 3 Years	19.10.2012	A1 – A2, A4, A6, A8 – A9
A/NE-TK/603	Temporary Shop and Services (Real Estate Agency and Property Management) for a Period of 3 Years	17.2.2017 (Revoked on 18.5.2017)	A3, A5 – A9

Approval Conditions

- A1. The submission of drainage proposal within 6 months from the date of planning approval
- A2. The implementation of drainage proposal within 9 months from the date of planning approval
- A3. The maintenance of the drainage facilities at all times during the planning approval period
- A4. The submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval
- A5. The submission of proposal for fire service installations (FSIs) and water supplies for fire fighting within 6 months from the date of planning approval
- A6. The provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval
- A7. No night-time operation between the specified time, as proposed by the applicant, was allowed on the application site during the planning approval period
- A8. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period
- A9. Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comments of District Lands Office/Tai Po of Lands Department (DLO/TP, LandsD) that:
 - (i) there is no guarantee to the grant of a right of way to the Site or approval of the Emergency Vehicular Assessment (EVA) thereto;
 - (ii) the applicant is required to clear any existing structures immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course
 - (iii) the applicant should not occupy any Government land without prior approval from LandsD; and
 - (iv) should the planning application be approved, the registered owner of the private lot with proposed structures erected/or to be erected are required immediately to submit the Short Term Waiver (STW) application to LandsD. However, there is no guarantee at this stage that the STW would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at his discretion, such approval might be subject to such terms and conditions as may be imposed by LandsD including payment of waive fees and administrative fees as considered appropriate;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements of the “Revised Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses” to minimize any potential environmental nuisances;
- (d) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, fire services installations (FSIs) will be needed. In such circumstances, except where building plan is circulated to the Buildings Department, the applicant is required to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. Please note that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant needs to subsequently provide such FSIs according to the approved proposal;

- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for the provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BA 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 application site under the BO;
 - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D; and
 - (v) if the site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage; and
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that the applicant should take measures to prevent the existence of nuisance such as pest nuisance and accumulation of refuse at the Site.