

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/973	“V” on approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	18.9.2015	1, 2, 3, 4, 5, 6
2.	A/HSK/111	“V” on approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/2	Temporary Shop and Services (Real Estate Agency) (3 Years)	7.12.2018	1, 4, 6, 7, 8

Approval conditions:

1. No night-time operation and/or no operation on Saturdays/Sundays and public holidays.
2. The submission and implementation of drainage proposal.
3. The submission and implementation of landscape proposal.
4. The submission and implementation of FSIs.
5. Reinstatement clause.
6. Revocation clauses.
7. Submission of condition record of existing drainage facilities and maintenance of existing drainage facilities.
8. Maintenance of existing trees and landscape planting.

**Similar Applications Within the Subject “V” Zone
on the Approved Hung Shui Kiu and Ha Tsuen OZP**

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/HSK/13	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	22.9.2017	1, 2, 3, 4, 5, 6, 7, 8
2.	A/HSK/58	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Convenient Store and Real Estate Agency) (3 Years)	6.4.2018	1, 2, 4, 5, 6, 8, 9
3.	A/HSK/62	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	4.5.2018	1, 2, 4, 5, 6, 7
4.	A/HSK/97	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) (3 Years)	5.10.2018	1, 2, 4, 5, 6, 7, 8, 9
5.	A/HSK/120	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) (3 Years)	18.1.2019	1, 2, 4, 5, 9
6.	A/HSK/130	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Shop and Services (Real Estate Agency) (3 Years)	8.3.2019	1, 2, 4, 5, 9
7.	A/HSK/143	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	3.5.2019	1, 2, 4, 5, 9
8.	A/HSK/212	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Temporary Shops and Services (Real Estate Agency) (3 Years)	6.3.2020	1, 2, 4, 5, 9
9.	A/HSK/244	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Shop and Services (Real Estate Agency) (3 Years)	4.9.2020	1, 2, 4, 5, 8, 9

Approval Conditions:

- 1 No night-time operation.
- 2 The maintenance of the drainage facilities and/or the submission of condition record of existing drainage facilities.
- 3 The submission and implementation of tree preservation and landscape proposal.
- 4 The submission and implementation of FSIs proposals.
- 5 Revocation clauses.
- 6 Reinstatement clause.
- 7 Submission and/or implementation of drainage proposal.
- 8 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 9 The maintenance of existing tree and landscape planting.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (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. Lot 1149 in D.D.125 is covered by Short Term Waiver No. 4569 (STW4569) for the purposes of Temporary Shop and Services (Real Estate Agency). The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) 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(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 LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and San Sik Road;
- (d) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the Site before commencement of the drainage works;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the Building Authority (BA), 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator 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) Regulations (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;

- (g) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the planning application does not imply approval of tree works such as pruning, transplanting and/or felling under the lease. The applicant is reminded to approach relevant authority/government departments direct to obtain the necessary approval on tree works.