

**Similar s.16 Applications for Temporary Shop and Services Use
Within the same “REC” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/307	Proposed Temporary Shop and Service (Retail of Family Goods) with Ancillary Office for a Period of 3 Years	REC	9.2.2018 (Revoked on 9.5.2020)	1-7
2	A/YL-LFS/330	Proposed Temporary Shop and Service (Retail of Family Goods) with Ancillary Office for a Period of 3 Years	REC	4.1.2019	1-3, 5, 6, 8

Approval Conditions

1. No night time operation.
2. The submission and implementation of drainage proposal.
3. The implemented drainage facilities shall be maintained at all times.
4. The submission and implementation of landscape proposal.
5. The submission and implementation of fire service installations proposal.
6. Revocation clauses.
7. Reinstatement clause.
8. The existing vegetation on the site shall be maintained in good condition at all times.

Advisory Clauses

- (a) 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 lot owner(s) of the lot(s) will need to apply to his office for permitting 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. 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;
- (b) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (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 Deep Bay Road;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised 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' (COP);
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant shall approach relevant authority/Government department(s) direct to obtain necessary approval on tree 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 the 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 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. 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 the BA should be

obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator 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. 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;

(g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- i. The applicant should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system);
- ii. The existing open drain, to which the applicant proposed to discharge the stormwater from the Site was not maintained by his department. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD) should be consulted;
- iii. Further to (ii) above, since there is no record of the said discharge path, the applicant should provide site photos to demonstrate its presence and existing condition;
- iv. The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel;
- v. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
- vi. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
- vii. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap;
- viii. Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site;
- ix. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
- x. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit building works to BD for approval under the provisions of the BO; and
- (i) to note the comments of the Director of Fire Services (D of FS) that the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (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 FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.