

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/998	Temporary Shop and Services (Convenient Store) (3 Years)	22.1.2016 (3 Years)	1 to 6

Approval Conditions:

- 1 No night-time operation
- 2 The submission/implementation of drainage proposals; and/or provision of drainage facilities; maintenance of existing drainage facilities; and/or submission of a condition record of the existing drainage facilities on-site.
- 3 The submission and implementation of landscaping and/or tree preservation proposals.
- 4 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 5 Revocation clauses.
- 6 Reinstatement clause.

**Similar s.16 Applications within the subject “V” Zone
on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/418	Temporary Convenient Store (3 Years)	29.7.2005 (3 Years)	2, 3, 7, 8, 9
2.	A/YL-HT/560	Renewal of Planning Approval for Temporary Shop and Services (Convenient Store) (3 Years)	18.7.2008 (3 Years)	2, 5, 6, 8, 9 10
3.	A/YL-HT/739	Renewal of Planning Approval for Temporary Shop and Services (Convenient Store) (3 Years)	22.7.2011 (3 Years)	1, 2, 6, 3, 4, 9, 10
4.	A/YL-HT/882	Temporary Shop and Services (Convenient Store) (3 Years)	7.2.2014 (3 Years) (revoked on 7.2.2015)	1, 2, 3, 4, 8, 9
5.	A/YL-HT/926	Temporary Shop and Services (Convenient Store) (3 Years)	2.1.2015 (3 Years)	1, 2, 4, 6, 8, 9
6.	A/YL-HT/977	Proposed Temporary Shop and Services (Convenient Store) (3 Years)	29.1.2016 by TPB (3 Years) (revoked on 29.4.2016)	1, 2, 3, 4, 8, 9
7.	A/YL-HT/1051	Temporary Shop and Services (Convenient Store) (3 Years)	7.4.2017 (3 years) (revoked on 7.10.2018)	1, 2, 3, 4, 8, 9, 11, 12
8.	A/HSK/58	Proposed Temporary Shop and Services (Convenient Store and Real Estate Agency) (3 Years)	6.4.2018 (3 years)	1, 2, 4, 6, 8, 11

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The submission/implementation of drainage proposals; and/or provision of drainage facilities; maintenance of existing drainage facilities; and/or submission of a condition record of the existing drainage facilities on-site.
- 3 The submission and implementation of landscaping and/or tree preservation proposals.
- 4 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 5 The provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office.
- 6 The maintenance of the landscape planting/existing trees/vegetation.
- 7 The diversion of the existing water mains affected by the development.
- 8 Revocation clauses.
- 9 Reinstatement clause.
- 10 The replanting of the 2 missing trees in the original location on the site.
- 11 No vehicle is allowed to enter or park on the site/queue back to public road or reverse onto/from the public road at all times during the planning approval period.
- 12 No sewage discharge on site.

Advisory clauses

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long of the Lands Department (DLO/YL of LandsD) that the Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. Lot No. 650RP in D.D.125 is covered by a Short Term Waiver No. 4699 (STW4699) for the purposes of temporary shop and services (real estate agency and convenience store). The STW holder 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 regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the 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 premium or fee, as may be imposed by the LandsD. The Site is accessible to San Sik Road through a pavement on 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 does not fall within Shek Kong Airfield Height Restriction Area. According to his record, there is no Small House application approved/under processing within the “V” zone portion for the Site;
- (d) to follow relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (ACT/NT, TD) that the loading/unloading activities associated with the applied use shall not cause obstruction to public roads;
- (f) to note comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the applicant is reminded that there is and will be no vehicular access to/from the Site;
- (g) to note comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed 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 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

Building Ordinance (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 Building Surveyor/New Territories West of the Buildings Department (CBS/NTW, BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. 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. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the Site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person 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 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 Building (Planning) Regulations at the building plan submission stage.