

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 Condition(s)</u>
A/TM-LTY Y/94	Temporary Workshop for Assembly for Goods Vehicle Body (Installation of Enclosed Refrigerated Compartments) for a Period of 3 Years	19.7.2002 on review [Revoked on 19.1.2003]	(1) and (2)

Approval conditions

- (1) Submission and implementation of landscaping proposal
- (2) Implementation of environmental mitigation measures

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
- (i) The Site falls within Lot Nos. 449 S.B RP and 449 S.C RP (Part) in D.D.130 (“the Lots”). The Lots are Old Schedule Lots 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.
 - (ii) Site inspection revealed that the fence on the northern side of the Lots was erected outside its boundary while a number of containers were erected within the Lots and some of the containers may have encroached onto the adjoining government land (GL). Depending on the on-site situation, these containers may be regarded as structures. No permission has been given for the erection of the structures nor has any permission been given for the occupation of the GL concerned. The erection of the proposed offices and the existing structures will be in breach of the lease conditions unless prior approval is obtained. As the layout of the existing structures does not tally with the proposal, the applicant should clarify whether the existing containers and structures will be removed and replaced with the proposed structures.
 - (iii) The Site is accessible via a strip of footpath leading from San Hing Road. His office does not carry out maintenance works for the said footpath nor guarantee that right-of-way will be given to the Site.
 - (iv) If planning permission is given by the Board, the lot owner may consider submitting a formal application to his office for a Short Term Waiver to permit erection of the proposed structures on the Lot. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by Lands Department acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc.
 - (v) Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions of structures within the Lots irrespective of whether planning permission will be given or not. Enforcement action will also be taken should any structures are found erected without any prior approval given by his office or any unauthorized occupation of GL.
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) to 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” issued by the Environmental Protection Department;

- (d) to note the comments of Director of Environmental Protection (DEP) that sewage arising from the subject site should be directed to nearby public sewer;
- (e) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points: (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (b) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However the applicant is reminded that 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;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the Site and BD is not in a position to offer comments on their suitability for the use related to the application. His comments under the Buildings Ordinance on the application are as follows:
 - (i) If the existing structures (not being a New Territories Exempted House) 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.
 - (ii) 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 Site under the BO.
 - (iii) Before any new building works (including open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the 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.
 - (iv) The temporary converted containers for site office/storage are considered as temporary buildings are subject to control under the Building (Planning) Regulations Pt. VII.
 - (v) Detailed comments under the BO will be provided at building plan submission stage; and
- (g) to note the comments of Chief Engineer/Housing Projects 2, Civil Engineering and Development Department (CE/HP2, CEDD) that the Site might be subject to land resumption for the implementation of the San Hing Road and Hong Po Road Public Housing Development which might take place at any time before the expiry of the temporary planning permission.