

Previous Application covering the Site

Rejected Application

	<u>Application No.</u>	<u>Zoning</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/TM-SKW/7	“V”	Temporary Open Storage of Containers for a period of 12 months	6.3.1998	(1) to (4)

Rejection Reason(s)

- (1) Not in line with the planning intention of “V” zone
- (2) Adverse traffic impact on the local traffic network
- (3) Adverse noise impact on the dwelling houses in the vicinity
- (4) Undesirable precedent for other similar applications

Similar Applications within the Same “V” Zone on the OZP

Approved Applications

	<u>Application Nos.</u>	<u>Zoning</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/TM-SKW/79	“V”	Proposed Temporary Shop and Services (Construction Consultancy Services) with Ancillary Private Vehicle Park for a Period of 3 Years	7.9.2012 (revoked on 7.3.2013)	(1), (4) to (10)
2	A/TM-SKW/84	“V”	Proposed Temporary Shop and Services (Construction Consultancy Services) with Ancillary Private Vehicle Park for a Period of 3 Years	7.3.2014 (revoked on 7.6.2014)	(1), (4) to (10)
3	A/TM-SKW/98	“V”	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	11.8.2017	(2), (3), (7), (9), (10)

Approval Condition(s)

- (1) No night-time operation and no operation on Sundays and public holidays on the Site
- (2) No night-time operation on the Site
- (3) No structures within 7m from the western boundary of the Site
- (4) No storage of construction materials or workshop use is allowed on the site at any time
- (5) Only private cars with valid licence issued under the Road Traffic Ordinance are allowed to be parked/stored on the Site
- (6) Submission and implementation of drainage proposal
- (7) Submission and implementation of fire service installations proposal
- (8) Submission and implementation of landscape proposal
- (9) Revocation clause
- (10) Reinstatement clause

Advisory clauses

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the Site is an Old Schedule 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 may consider submitting a formal application to his office for a Short Term Waiver to permit erection of the proposed structure on the Lot and the right-of-way issue. However, there is no guarantee that application and right-of-way will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD 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.;
- (b) to note the comments of the Commission for Transport (C for T) that the Site is connected to the public road via So Kwun Wat Tsuen Road which is not under Transport Department's purview. The applicant should seek relevant lands and maintenance authorities' comment on using the concerned road for the operation of the Site;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant should ensure that the owner of adjacent D.D.375 Lot 638 S.A RP should provide wastewater / toilet facilities for use by occupiers of the Site. The applicant is reminded that water quality impact to the watercourse in the close vicinity of the application site should be minimised. Good practices stated in ProPECC PN 5/93 "Drainage Plan subject to comment by the Environmental Protection Department" could be referenced if necessary;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is requested to submit a drainage proposal with a drainage plan showing the details of existing drains and any proposed drainage works, including any peripheral drainage system for the subject site and the relative discharge point(s). The applicant should demonstrate the adequacy of existing/proposed drains such that no adverse drainage impact would result from the subject development. Reference could be made to DSD Technical Note to prepare a "Drainage Submission" in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings and connection of drains) are to be carried out on the Site, prior approval and consent of BD 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 Buildings Ordinance (BO). 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. If the proposed use under application is subject to the issue of a licence, any existing structures on the Site intended to be used for such purposes are required to comply with the

building safety and other relevant requirements as may be imposed by the licensing authority. 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. Barrier free access facilities shall be provided to the development including the washroom facilities. The applicant should be reminded that the barrier free access routes to the washroom shall be provided. The assessment of the population and the number of sanitary fitments shall be in accordance with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be made at the building plan submission stage;

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire services installations (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. 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. The applicant is reminded that 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; and
- (g) to note the comments of the District Officer/Tuen Mun, Home Affairs Department (DO/TM, HAD) that any reinstatement works to the existing road arising from the proposed development should be carried out by the developer on their own cost and match up to the existing standard.