

**Similar s.16 Applications for Temporary Shop and Services Uses
within the Same “V” Zone on the Ping Shan OZP**

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-PS/418	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	V	11.10.2013 (Revoked on 11.7.2015)	1, 2, 3, 4, 10, 11
2	A/YL-PS/475	Proposed Temporary Shop and Services (Convenient Store) for a Period of 3 Years	V	27.3.2015 (Revoked on 27.9.2015)	2, 4, 5, 6, 7, 8, 10, 11
3	A/YL-PS/517	Temporary Shop and Services (Convenient Store) for a Period of 5 Years	V	22.4.2016 (Revoked on 22.10.2016)	2, 4, 5, 8, 10, 11
4	A/YL-PS/518	Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years	V	27.5.2016	2, 3, 4, 8, 9, 10, 11
5	A/YL-PS/542	Temporary Shop and Services (Convenient Store) for a Period of 5 Years	V	23.6.2017	2, 4, 5, 10, 11

Approval Conditions

1. No operation between 8:00p.m. and 9:00a.m. is allowed on the site.
2. The provision and maintenance of drainage facilities.
3. The submission and implementation of landscape and/or tree preservation proposal.
4. The submission and/or implementation of fire services installations.
5. No operation between 10:00p.m. and 9:00a.m. is allowed on the site.
6. No vehicle is allowed to queue back or reverse onto/from the public road at any time.
7. The submission and implementation of run-in/run-out proposal.
8. The submission of condition record of the existing drainage facilities on the site.
9. No operation between 7:00p.m. and 10:00a.m. is allowed on the site.
10. Revocation clauses.
11. Reinstatement clause.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) the planning permission is given to the development/use under application. It does not condone any other development/use which currently exists on the Site (i.e. storage use) but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (c) 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 Site is accessible from Fuk Shun Street through Government Land (GL). Her office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the subject planning application, the lot owner will need to apply to her office to permit the structures to be erected or regularize any irregularities on the 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications of 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 will be approved. If such application 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 LandsD. There is no Small House application received or approved within the Site. There are 3 Small House applications approved in its vicinity;
- (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 Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should provide his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire services 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 Buildings

Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that approval of the application under S.16 does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Building Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the 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. 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; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such facilities and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from the activity / operation, the applicant should arrange disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.