

**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 to 4, 8, 9
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)	1, 4 to 9
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)	1, 4, 7 to 9
4	A/YL-PS/518	Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years	V	27.5.2016	1, 3, 4, 7 to 9
5	A/YL-PS/542	Temporary Shop and Services (Convenient Store) for a Period of 5 Years	V	23.6.2017	1, 2, 4, 8, 9
6	A/YL-PS/582	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	V	22.3.2019 (Revoked on 22.9.2019)	1, 4, 8
7	A/YL-PS/605	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	V	12.6.2020	1, 4, 8

Approval Conditions

1. No night time operation 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 vehicle is allowed to queue back or reverse onto/from the public road at any time.
6. The submission and implementation of run-in/run-out proposal.
7. The submission of condition record of the existing drainage facilities on the site.
8. Revocation clauses.
9. Reinstatement clause.

Advisory clauses

- (a) the permission is given to the proposed temporary shop and services for a period of 5 years and land filling under application. It does not condone any other use which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (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 lot owner(s) shall apply to his 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. 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;
- (d) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Fuk Shun Street via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Providing that vehicles are allowed to use the egress/ingress point and the access fronting, the applicant shall provide proper run in/out with design standard complied with Transport Planning and Design Manual's (TPDM) requirements. The applicant shall be responsible for any reinstatement of run-in/out. The applicant shall submit an application to relevant government departments for addition or alternation of the vehicular run-in/out for approval once planning approval has been granted from the Board. The related application procedures could be found in website of Transport Department named as "Information Note for Application for Addition or Alteration of Vehicular Run-in/out for Existing Buildings";
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed access arrangement is agreed by TD, the applicant shall provide the run-in/out at Fuk Shun Street in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. There is a drainage channel and a drainage gully at the proposed access to the Site, the applicant shall maintain its capacity and functionality. 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 Fuk Shun Street;
- (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 House) 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 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 demolition and land filing) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) 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. 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 B(P)R at the building plan submission stage;

- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (h) to note the comments of the Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD)) that the applicant shall submit the proposed building works to BD for approval as required under the provisions of the BO. The applicant is reminded that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the Site, extensive geotechnical investigation may be required. Such investigation may require a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site; and
- (i) 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.