

Previous Applications Covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/716	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.3.2015 [revoked on 13.3.2016]	(1), (2), (3), (4), (5), (6), (7)

Approval Condition(s):

- (1) No operation between 8:00 p.m. and 9:00 a.m.
- (2) No vehicle is allowed to queue back to or reverse onto/from public road.
- (3) Submission and implementation of the landscape proposal.
- (4) Submission and implementation of the drainage proposal.
- (5) Maintenance of the drainage facilities on the Site.
- (6) Submission and implementation of the fire service installations proposal.
- (7) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (“the Site”);
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. domestic uses) which currently exists on the Site 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;
- (d) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises government land (GL) and 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. Within the Site, Lot 388 RP in D.D. 121 is covered by Short Term Waiver (STW) No. 4513 permitting structures erected thereon for the purpose of temporary shop and services (real estate agency). Major part of GL within the Site is a non-exclusive right of way in respect of STW No. 4513. A small part of GL within the Site is covered by Short Term Tenancy (STT) No. 2977 to permit structures erected thereon for the purpose of temporary shop and services (real estate agency). Her office’s recent site inspection to the Site found that no shop and service activities (real estate agency) could be found on site and only a real estate agency signage was hanged outside the existing structures. Furthermore, the existing structures were found used for domestic purposes which had seriously in breach of the permitted users of STW No. 4513 and STT No. 2977. Her office will take appropriate enforcement actions for STW No. 4513 and STT No. 2977 including termination of STW and STT. The Site is accessible from Fui Sha Wai South Road via GL. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The owner of the lot and the applicant will need to apply to her office for STW and STT where appropriate. Besides, given the proposed use is temporary in nature, only application for erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department 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 her department;
- (f) to note the comments of the Commissioner for Transport that the applicant is reminded that sufficient manoeuvring space should be provided within the Site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water flowing from the Site to the nearby public roads/drains. His office shall not be responsible for the maintenance of any access connecting the Site and Fui Sha Wai Road South;

- (h) to note the comments of the Director of Environmental Protection that the applicant is reminded to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites” issued by the his department to minimise any potential environmental nuisances. The applicant is reminded that sewage arising from the Site should be directed to nearby public sewer. If septic tank and soakaway system is used in case of unavailability of public sewer, its design and construction should follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorised Person (AP);
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the approval of the landscape proposal does not imply approval of trees works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to the District Lands Officer for approval. The applicant is reminded of the importance of undertaking proper tree care for the existing trees. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links: Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解):http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf; Handbook on Tree Management (樹木管理手冊):https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html; Tree Risk Assessment and Management Arrangement (樹木風險評估及管理安排):https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html; Minimising Tree Risks (護養樹木保障安全):http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf; Pictorial Guide for Tree Maintenance to Reduce Tree Risks (減低樹木風險的樹木護養簡易圖解):[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (j) to note the comments of the Director of Fire Services that the installation/maintenance/modification/repair work of the FSI shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services. The applicant is also reminded that if the proposed structure(s) is required to comply with Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 BD should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An 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 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 (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.