

Previous s.16 Application at the Application Site

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-NSW/115	Temporary retail shop for wheels and tyres for a period of 3 years	23.8.2002 Approved by RNTPC	(1), (2), (3)

Approval Condition(s):

- (1) No vehicle repairing and maintenance service allowed.
- (2) Submission of drainage proposal.
- (3) Implementation of drainage facilities proposed.

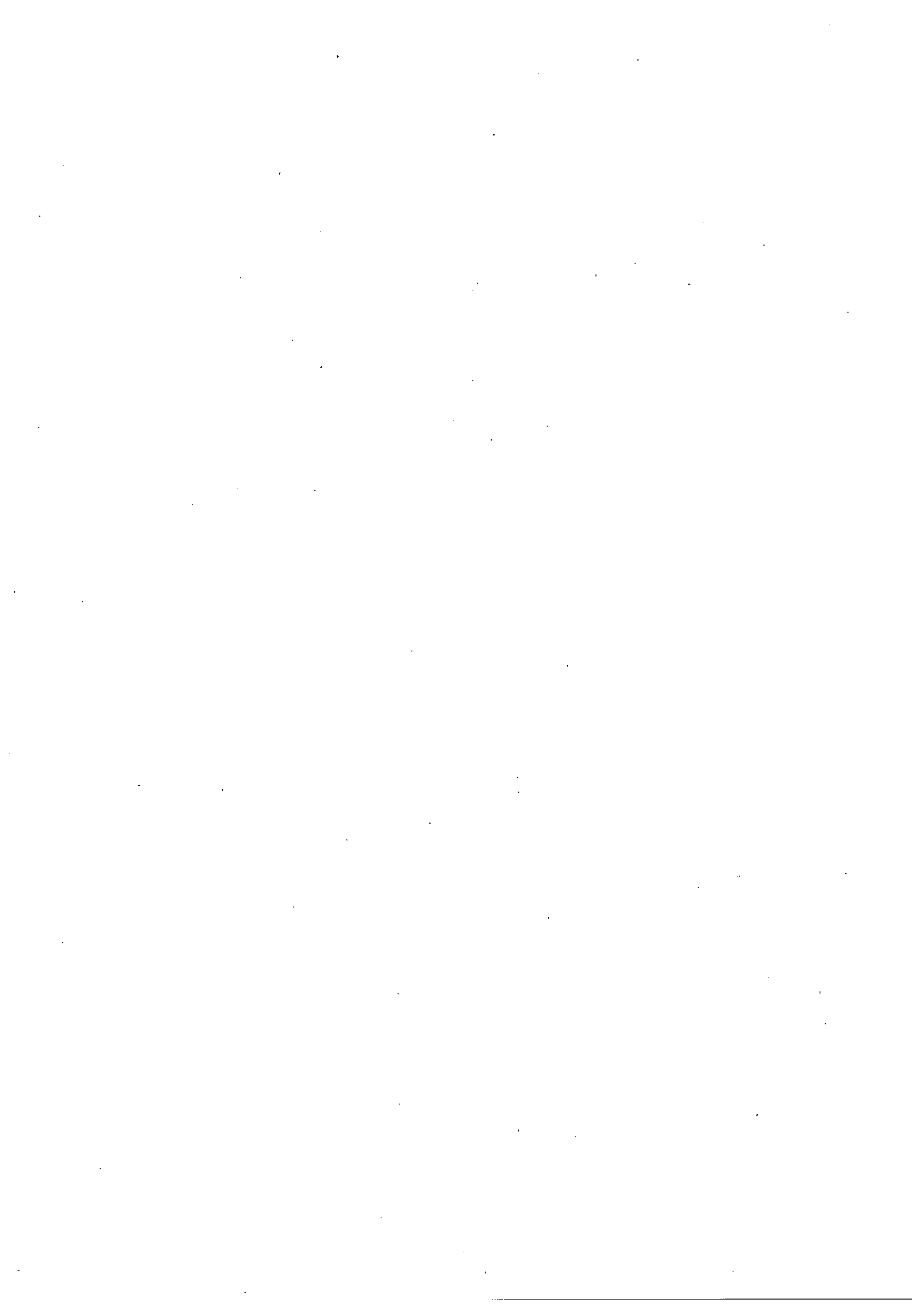
**Similar s.16 Applications within the “Undetermined” Zone
on the Nam Sang Wai OZP**

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-NSW/278	Temporary Shop and Services (Sales of Private Cars) for a period of 3 Years	26.6.2020 Approved by RNTPC	(2), (3), (4), (5), (6), (7)
2.	A/YL-NSW/283	Proposed Temporary Shop and Services (Convenience Store and Showroom) and Storage Use for Traffic Information Technology System Facilities with Ancillary Solar Panels for a Period of 3 Years	5.2.2021 Approved by RNTPC	(1), (2), (5), (6), (7)

Approval Condition(s):

- (1) Submission of drainage proposal.
- (2) Implementation of drainage proposal.
- (3) Maintained the implementation of drainage facilities.
- (4) Restrictions on operation hours.
- (5) Only private cars allowed to be parked on the site.
- (6) No vehicle allowed to queue back to or reverse onto/from the site/public road.
- (7) Submission of fire service installations (FSIs) proposal.
- (8) Implementation of FSIs.



Recommended Advisory Clauses

- (a) To note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural 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. The Short Term Waiver (STW) holders will need to apply to LandsD for modification of the STW conditions where appropriate. The owner(s) of the lot(s) without STW will need to apply to LandsD to permit the structures to be erected or regularise any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as 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 LandsD;
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status of the local access road should be clarified with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that Yuen Long Tung Shing Lei Road is not maintained by HyD. The proposed access arrangement of the Site from Castle Peak Road – Yuen Long should be approved by TD. HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Yuen Long. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note the comments of the Director of Environmental Protection (DEP) to (i) 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” to minimise any potential environmental nuisance; (ii) meet all statutory requirements under relevant pollution control ordinances, including Water Pollution Control Ordinance, and provide necessary mitigation measures; and (iii) provide suitable treatment facilities to handle sewage arising from the Site. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department ” including percolation test;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the

relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;

- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant shall 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 (BO) (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 Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, BD is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of BA, they are unauthorised building works (UBW) under 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 BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and are subject to the control of Part VII of B(P)R. Detailed checking under BO will be carried out at building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the drainage proposal that (i) details of the proposed drainage inside the subject lots shall be indicated on the drainage plan which shall not be limited to peripheral channels to intercept the overland flow; and (ii) calculation shall be provided including the catchment areas to substantiate the dimensions of the proposed drainage system. Regarding sewage disposal arrangement by septic tanks, the applicant shall seek views and comments from DEP. Also, the applicant shall note there is existing sewer in front of the subject development at Yuen Long Tung Shing Lei Road;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected (as shown on Plan A-2 of the

Paper). A waterworks reserve within 1.5 metres from the centerline of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for WSD or WSD's contractors to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;

- (j) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant is reminded to submit the proposed building works to BD for approval as required under the provisions of BO; and
- (k) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no facilities of the Food and Environmental Hygiene Department (FEHD) shall be affected and such work and operation shall not cause any obstruction to the surrounding. Proper licence / permit issued by FEHD is required if there is any food business / catering service / activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. In accordance with Section 4 of Food Business Regulation (Cap. 132X), the expression "food business" means, any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

