

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-PH/133	Temporary open storage of wrecked vehicles (cars and vans) for import/export with cargo handling operation for a period of 12 months	7.11.1997	(1), (2), (3)
2	A/YL-PH/142	Open storage of construction machinery for re-export with ancillary workshop	21.11.1997	(1), (2)
3	A/YL-PH/249	Temporary open storage of wrecked vehicles (cars and vans) for import/export with cargo handling operation for a period of 12 months	11.12.1998	(1), (2), (3)
4	A/YL-PH/276	Pond filling for open storage use	14.5.1999	(2), (4), (5)

Approval Conditions

- (1) The provision of drainage facilities/ stormwater disposal facilities
- (2) The submission and implementation of landscaping proposals
- (3) The reinstatement of the application site after the expiry of the planning approval
- (4) The submission of drainage impact assessment and the implementation of flood mitigation measures and provision of drainage facilities
- (5) The permission shall cease on a specific date unless prior to the specific date either the development hereby permitted is commenced or the permission is renewed



**Advisory Clauses**

- (a) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (b) resolve any land issue relating to the development with other concerned owner(s) of the Site;
- (c) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and 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. No permission is given for occupation of GL (about 1,599m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. A small portion of the Site falls within Burial Ground No. YL/19. The Site is accessible from Fan Kam Road via GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The lot(s) owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval which excludes the GL portion falling within the burial ground prior to the actual occupation of the GL. 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 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 the LandsD;
- (d) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note CHE/NTW, HyD's comments that his department does not and will not maintain the accesses connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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" issued by the EPD;

- (g) note DAFC's comments that the vegetated area on GL located at/near the western boundary of the Site should be properly preserved by implementing appropriate measures (e.g. adequate set-backs of structures from the wooded areas, designating buffer areas, robust boundary hoardings, etc.) during the development and operation of the development. On the other hand, the applicant shall also take necessary measures to avoid causing pollution to nearby streamcourses and avoid causing damage to trees on GL near the Site during the development and operation;
  
- (h) note D of FS' comments that in consideration of the design/nature of the proposal, 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 FSI 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (i) note CBS/NTW, BD's comments that before any new building works (including containers and open sheds as temporary buildings) 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 should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the structures (not being New Territories Exempted House) are erected on leased land without approval of BD, they are UBW under the BO and should not be designated for any use under application. 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.