

Previous s.16 Application Covering the Application Site

Approved Application

| | <u>Application No.</u> | <u>Proposed Use</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</u> |
|---|------------------------|---|--|---|
| 1 | A/YL-SK/169 | Temporary Shop and Services (Horticulture and Interior Design Sample Showroom) and Office for a Period of 3 Years | 15.6.2012 (revoked on 15.12.2012) | (1), (2), (3), (4), (5), (6), (7), (8) |

Approval Conditions

- (1) no storage was allowed at the open areas of the application site at any time
- (2) no repairing, dismantling or other workshop activities should be carried out on the application site no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer was allowed to park/store on or enter/exit the application site
- (3) no vehicle leaving the site to Kam Sheung Road
- (4) submission of run-in/out proposal and provision of fun-in/out
- (5) submission and implementation of tree preservation and landscape proposals
- (6) submission and implementation of drainage proposal
- (7) submission and implementation of fire service installations proposal

**Appendix III of RNTPC
Paper No. A/YL-SK/231A**

**Similar Applications within the same “V” zone on the
Shek Kong Outline Zoning Plan**

Approved Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration by the RNTPC/TPB</u> | <u>Approval Condition(s)</u> |
|----|-------------------------------|--|---|--|
| 1. | A/YL-SK/37 | Public Car/Lorry Park (about 15 parking spaces) | 14.2.1997 (approved on a temporary basis for a period of 5 years up to 14.2.2002) | (a), (b), (c) |
| 2. | A/YL-SK/155 | Proposed Public Vehicle Park (Excluding Container Vehicle) | 12.2.2010 (approved on a temporary basis for a period of 3 years up to 12.2.2013) [revoked on 12.11.2010] | (a), (d), (e), (f), (g), (h), (i), (j), (k), (l) |
| 3. | A/YL-SK/177 | Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years | 7.12.2012 | (a), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), |
| 4. | A/YL-SK/212 | Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) and Ancillary Car Beauty Services for a Period of 3 Years | 8.1.2016 [revoked on 4.6.2017] | (a), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), |

Approval Conditions

- (a) The submission and implementation of landscaping/tree preservation proposals
- (b) The provision of storm water drainage facilities
- (c) The permission shall cease to have effect on a specified date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed
- (d) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored at the site
- (e) no more than 43/45 private cars/light goods vehicles were allowed to be parked on the application site at any time
- (f) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance, coaches or container trailers/tractors were allowed to be parked/stored on the application site

- (g) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the application site at any time
- (h) the existing boundary fence on the application site should be maintained
- (i) submission and/implementation of drainage proposal
- (j) submission and/implementation of fire service installation proposal
- (k) if any of the specific planning conditions was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area
- (m) restrictions on operation hours
- (n) vehicles were not allowed to reverse into or out of the site
- (o) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance and coaches were allowed to be parked/stored on or enter/exit the site at any time

Advisory Clauses

- (a) resolve any land issues relating to the access to the development with the concerned land owners;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) the permission is given to the development under application. It does not condone any other development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development not covered by the permission.
- (d) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled Agricultural Lot held under 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 to Kam Sheung Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. 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 owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) 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 the LandsD;
- (e) note CHE/NTW, HyD's comments that the applicant should provide a run-in at the access point at the Kam Sheung Road 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. The applicant is reminded that no work shall start until the run-in/ out proposal is accepted by HyD and an excavation permit is obtained from HyD. The access between the Site and Kam Sheung Road is not and will not be maintained by HyD. 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 DEP;
- (g) note DAFC's comments that there are some mature trees to the south of the Site. The applicant is advised to adopt necessary measures to prevent damaging the trees adjacent to the Site during operation;
- (h) note D of FS's comments that in consideration of the design/nature of the proposal, Fire Service 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 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;

- (i) note CBS/NTW, BD's comments that before any new building works (including containers/ open sheds as temporary buildings) 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 Buildings 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 (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under the Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (j) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.