

Previous Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval conditions</u>
1	A/YL-SK/164	Temporary Shop and Services (Real Estate Agency) and Ancillary Office for a Period of 3 Years	18.11.2011	(1), (2), (3), (4), (5), (6)
2	A/YL-SK/204	Temporary Shop and Services (Car Audio Shop) and Ancillary Office for a Period of 3 Years	12.12.2014	(1), (4), (6), (7), (8), (9), (10), (11)

Approval Conditions:

- (1) restriction on operation hours.
- (2) the existing access track to the east of the application site shall be allowed for use by the public
- (3) the submission and provision of run-in/out proposal
- (4) implementation and/or implementation of landscaping and/or tree preservation proposal
- (5) submission and provision of drainage facilities
- (6) submission and provision of fire service installations proposal
- (7) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers are allowed to be parked/stored on or enter/exit the site
- (8) no reversing of vehicles into or out from the site
- (9) maintenance/ submission of a record of the existing drainage facilities
- (10) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (11) Reinstatement of the site to an amenity area upon expiry of the planning permission.

Similar Applications in the Same and Adjoining “V” and “AGR” Zones on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-SK/152	Temporary shop and services (real estate agency) for a period of 3 years	8.5.2009 (approved for 1 year) [Revoked on 8.3.2010]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-SK/160	Temporary shop and services (real estate agency) for a period of 3 years	28.1.2011 (approved for 1 year)	(1), (2), (3), (5), (6), (7), (8)
3	A/YL-SK/167	Temporary shop and services (real estate agency) for a period of 3 years	20.1.2012 [Revoked 28.1.2013]	(1), (2), (5), (6), (7), (8), (9)
4	A/YL-SK/185	Temporary shop and services (real estate agency) for a period of 3 years	3.5.2013	(1), (2), (5), (6), (7), (8), (9)
5	A/YL-SK/214	Temporary shop and services (real estate agency) for a period of 3 years	3.5.2016	(1), (3), (5), (6), (7), (8), (10)

Approval Conditions

- (1) No night-time operation is allowed on the site.
- (2) Maintenance or provision of boundary fence.
- (3) Submission and/or implementation of the landscape and/or tree preservation proposals.
- (4) Submission of drainage proposal and implementation of drainage facilities.
- (5) Submission and implementation of fire service installations (FSIs) proposal.
- (6) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (7) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (8) Maintenance of existing drainage on site and/or submission of drainage record of existing facilities.
- (9) Maintenance of existing trees and landscape planting on the application site.

Advisory Clauses

- (a) 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 to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures 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 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;
- (b) 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 strip of unallocated government between the Site and Kam Sheung Road, which may be under the jurisdiction of LandsD, is not and will not be maintained by HyD. The applicant shall ascertain that utility services at the run-in location can sustain the construction traffic road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. Excavation Permit should be obtained from his section of HyD prior to commencement of excavation works on public road/footpath which are maintained by HyD;
- (c) 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;
- (d) note CTP/UD&L of PlanD comments that comparing the site photos taken on 27.2.2018 and record photo submitted by the previous applicant dated 3.2.2015, it is noted that one *Ficus microcarpa* (細葉榕) at the west of site entrance is missing. The applicant is reminded that tree replacement should be provided for any loss of tree within the site during approval period. The applicant is also be reminded that proposed structures, if any, should be kept away from the existing tree with a minimum clearance of 3m from the tree trunk;
- (e) 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; and

- (f) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any use under application. 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). 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.