

Previous s.16 Application covering the Application Site

Approved Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-MP/273	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	21.9.2018 Approved by RNTPC (3 years)	All

Approval Conditions

1. No operation between 8:00 p.m. and 9:00 a.m. is allowed on the site
2. No vehicle (excluding private car) is allowed to access the site at all times
3. No vehicle is allowed to queue back to public road or reverse onto/from the site at all times
4. The maintenance of paving and boundary fencing on the site at all times
5. The submission and implementation of drainage proposal
6. The submission and implementation of fire service installations proposal
7. Revocation clause
8. Reinstatement clause

**Similar Applications within “Residential (Group C)” zone
on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6**

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
2.	A/YL-MP/199	Renewal of Planning Approval for Temporary Shop and Services (Hardware Grocery Shop and Real Estate Agency) (3 years)	18.5.2012 Approved by RNTPC (3 years)	(1) to (6), (8), (9)
3.	A/YL-MP/243	Temporary Shop and Services (Hardware Grocery Shop and Real Estate Agency) (3 years)	5.6.2015 Approved by RNTPC (3 years)	(1) to (5), (7) to (9)
4.	A/YL-MP/270	Renewal of Planning Approval for Temporary Shop and Services (Hardware Grocery Shop and Real Estate Agency) (3 years)	18.5.2018 Approved by RNTPC (3 years)	(1) to (5), (7) to (9)

Approval Conditions

- (1) No night-time operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period.
- (2) No cutting, dismantling, cleansing, repairing, compaction and workshop activity were allowed on the site at any time during the planning approval period.
- (3) The submission and implementation of landscape and tree preservation proposal on the site/The existing vegetation on the site should be maintained at all times during the planning approval period.
- (4) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period/The submission of as-built drainage plans and photographic records of the existing drainage facilities.
- (5) The submission and implementation of fire service installations proposal on the site/ The existing fire service installations should be maintained in efficient working order at all times during the planning approval period/The submission of a set of fire certificates (FS251) of the existing fire service installations.
- (6) The paving on the site should be maintained at all times during the planning approval period.
- (7) The paving and boundary fencing on the site shall be maintained at all times during the planning approval period.
- (8) Revocation clause.
- (9) Reinstatement clause.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to note DLO/YL, LandsD's comments that the Site comprises GL and 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. No permission is given for occupation of GL of about 137m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible from Fairview Park Boulevard through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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;
- (c) to note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note D of FS's 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 applicant is advised on the following points: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note CBS/NTW, BD's comments that there is no record of approval by the Building Authority (BA) for the structures existing at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application. 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 Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land of 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note CE/MN, DSD's comments that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. If the proposed stormwater drainage facilities would be connected to any existing drainage facilities, the applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of such existing facilities. The applicant shall check and ensure that the proposed drainage works and their downstream drainage systems have the adequate capacity and are in good conditions to accommodate the surface runoff collected from the Site and its upstream catchments. The applicant shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary. Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) to note DFEH's comment that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD; proper licence / permit issued by FEHD is required if there is any food business / catering service / activities regulated by the 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. 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;
- (h) to note CE/C, WSD's comments that existing water mains will be affected. A waterworks reserve within 1.5m from the center line of the water main 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 staff of the Director of Water Supplies or their contractor 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 main. 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; and
- (i) the applicant is reminded to make reference to the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".