

**Similar S.16 Applications for Temporary Retail Shop
within/partly within the “Recreation” zone in the vicinity of the Application Site
in the Ta Kwu Ling North Area**

Approved Application

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-TKLN/6	Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years	13.4.2018 (on review)	A1 – A9

Approval Conditions

- A1 No operation between 5:00 p.m. and 8:00 a.m. on weekdays was allowed
- A2 No operation on Saturdays, Sundays and public holidays was allowed
- A3 The submission of drainage proposal
- A4 The provision of drainage facilities
- A5 The submission and the implementation of proposals for fire service installations and water supplies for fire-fighting
- A6 The submission of the design of septic tank and soakaway system and/or other wastewater treatment facilities
- A7 The provision of septic tank and soakaway system and/or other wastewater treatment facilities
- A8 Revocation clause
- A9 Reinstatement clause

Recommended Advisory Clauses

- (a) to note DLO/N, LandsD's comments on the following:
- (i) the Site comprises private lot No. 1527 S.A in D.D. 78 which is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use; and
 - (ii) the owner(s) of the lot concerned shall apply to his office for a Short Term Waiver (STW) to cover all the proposed structures on Site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, the commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his office;
- (b) to note C for T's comments on the following:
- (i) the applicant should provide the following information in the traffic impact assessment:
 - the village track between Lin Ma Hang Road and the Site is not managed by TD. The applicant shall seek agreement/ comment from the responsible party for the management and maintenance measures to be implemented for the village track. In particular, the estimated traffic flow and the existing conditions of the village track, such as the width, should be taken into account to formulate and to implement any necessary traffic engineering measures;
 - the applicant should advise the estimated traffic flow to and from the Site and to justify the number of provision of car parking spaces;
 - the applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the Site and manoeuvring within the Site;
 - the width of the vehicular entrance should be no less than 7.3m;
 - the applicant shall advise the management/ control measures to be adopted for the Site to ensure no queuing of vehicles outside the Site; and
 - the applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety;
- (c) to note DEP's comments on the following:
- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)";
 - (ii) there is no existing public sewer in the vicinity of the Site. Should there be any sewage generated from the proposed use, the applicant is required to strictly follow the

provisions in the CoP that proper on-site sewage treatment and disposal facilities should be provided. Septic tank and soakaway (STS) system may be acceptable provided that all relevant requirements in ProPECC PN 5/93 are met on the design and construction of STS system, in particular the percolation test and the minimum distance requirements, which should be duly certified by an Authorized Person (AP);

- (iii) to strictly comply with all environmental protection/ pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant measures given in the EPD's latest CoP, during construction and operation stages of the proposal; and
 - (iv) to adopt necessary precautionary/ pollution control measures to prevent any pollution of nearby waterbodies/ watercourse during construction and operation stages of the proposed use;
- (d) to note CE/MN, DSD's comments on the following:
- (i) the Site is in an area where no public sewerage connection is available;
 - (ii) the Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
 - (iii) the applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction of the proposed use; and
 - (iv) apart from "sand and silt", it is likely that the runoff from a vehicle park will be contaminated by petroleum. The applicant is required to propose a means in their drainage proposal to remove or screen the contaminated runoff before allowing it to enter into DSD's stormwater drainage system. The applicant may make reference to Highways Standard Drawings on "Petrol Interceptor";
- (e) to note CE/C, WSD's comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note D of FS's comments on the following:
- (i) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
 - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of

general building plans;

- (g) to note DAFC's comments to perform good site practice in order not to pollute the watercourse nearby; and
- (h) to note CBS/NTW, BD's comments on the following:
 - (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds of temporary buildings) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BA 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;
 - (iv) in connection with (i) above, 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 B(P)Rs respectively;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (vi) detailed comments will be given at building plan submission stage.