

**Appendix II of RNTPC
Paper No. A/HSK/143**

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/1013	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	8.4.2016 (3 Years) (Revoked on 8.9.2018)	1 to 6

Approval Conditions:

- 1 No night-time operation
- 2 The submission/implementation of drainage proposals; and/or provision of drainage facilities; maintenance of existing drainage facilities; and/or submission of a condition record of the existing drainage facilities on-site.
- 3 The submission and implementation of landscaping and/or tree preservation proposals.
- 4 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 5 Revocation clauses.
- 6 Reinstatement clause.

Appendix III of RNTPC
Paper No. A/HSK/143

Similar s.16 Applications within the subject "V" Zone
on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/889	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency) (3 Years)	21.3.2014 (3 Years)	1, 2, 3, 4, 7, 8
2.	A/YL-HT/931	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) (3 Years)	16.1.2015 (3 Years) (revoked on 16.4.2017)	1, 2, 3, 4, 7, 8
3.	A/YL-HT/955	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency) (3 Years)	7.8.2015 (3 Years)	1, 2, 3, 4, 7, 8, 9
4.	A/YL-HT/973	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	18.9.2015 (3 Years)	1, 2, 3, 4, 7, 8
5.	A/YL-HT/980	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	22.1.2016 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8
6.	A/YL-HT/996	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	8.1.2016 (3 Years)	1, 2, 3, 4, 7, 8
7.	A/YL-HT/1069	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) (3 Years)	17.3.2017 (3 Years)	1, 2, 3, 4, 7, 8
8.	A/HSK/13	"V" on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	22.9.2017 (3 Years)	1, 2, 3, 4, 6, 7, 8
9.	A/HSK/58	"V" on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Shop and Services (Convenient Store and Real Estate Agency) (3 Years)	6.4.2018 (3 Years)	1, 2, 4, 7, 8

10.	A/HSK/62	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	4.5.2018 (3 Years)	1, 2, 4, 7, 8
11.	A/HSK/97	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) (3 Years)	5.10.2018 (3 Years)	1, 2, 3, 4, 7, 8
12.	A/HSK/111	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	7.12.2018 (3 Years)	1, 2, 4, 6, 7
13.	A/HSK/120	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) (3 Years)	18.1.2019 (3 Years)	1, 2, 4, 6, 7, 8
14.	A/HSK/130	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Shop and Services (Real Estate Agency) (3 Years)	8.3.2019 (3 Years)	1, 2, 4, 6, 7, 9

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The submission/implementation of drainage proposals; and/or provision of drainage facilities; maintenance of existing drainage facilities; and/or submission of a condition record of the existing drainage facilities on-site.
- 3 The submission and implementation of landscaping and/or tree preservation proposals.
- 4 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 5 The provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office.
- 6 The maintenance of the landscape planting/existing trees/vegetation.
- 7 Revocation clauses.
- 8 Reinstatement clause.
- 9 No vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period.

Advisory clauses

- (a) prior planning permission should have been obtained before continuing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The private lot is covered by Short Term Waiver (STW) No. 4752 for the purpose of Temporary Shop and Services (Real Estate Agency). Yet, there is an existing 2-storey structure erected but no shop and services activities are currently noted on site. It was suspected that the structures might be used for domestic purpose and his office will follow up enforcement action if there is any breach of the STW conditions. The Site is accessible to San Sik Road through a local track located on both private lot and Government land (GL). 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 does not fall within Shek Kong Airfield Height Restriction Area. According to his record, there is no Small House application approved/under processing within the "V" zone portion for the Site. The STW holder will need to apply to his office for modification of the STW conditions where appropriate. 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. Application(s) for any of the above will be considered by the Lands Department (LandsD) acting in the capacity of 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) to follow 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 Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that there is and will be no vehicular access to/from the Site;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a NTEH) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. 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 application site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with 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; and

- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, FSIs are anticipated to be required. The applicant should 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 FSIs are to be installed should be clearly marked on the layout plans. 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.