

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/719	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Park for Private Cars and Light Goods Vehicle (3 Years)	17.6.2011 (revoked on 17.7.2012)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
2.	A/YL-HT/915	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Park for Private Cars and Light Goods Vehicles (3 Years)	31.10.2014 (revoked on 31.12.2014)	1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15
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	1, 6, 7, 8, 12, 13, 16
4.	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	1, 6, 7, 8, 12, 13, 16

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays
- 2 The number of vehicles within the application site should not exceed 10
- 3 No vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance was allowed to be parked or stored
- 4 A notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored
- 5 No parking of oil tanker trucks or any other dangerous goods vehicles
- 6 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
- 7 The submission and implementation of fire services installations proposals
- 8 The submission and implementation of landscape and/or tree preservation proposals.
- 9 The construction of an intercept channel at the entrance to prevent run-off flowing out from the Site
- 10 The removal of a converted container within the site and the associated open shed
- 11 The provision of fencing
- 12 Revocation clause
- 13 Reinstatement clause
- 14 No repairing, dismantling, cleansing of vehicle, selling of vehicle, or workshop activity
- 15 No vehicle without valid licence issued under the Road Traffic Ordinance are allowed to be parked/stored
- 16 No vehicle queuing back to public road and reverse onto/from the public road

**Similar Applications within the subject “V” Zone
on the Approved Hung Shui Kiu and Ha Tsuen OZP**

Approved Applications

Application No.	Zoning(s) and OZP at the time of consideration	Applied use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1. A/HSK/58	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Convenient Store and Real Estate Agency) (3 Years)	6.4.2018	1, 3, 4, 5, 6, 7, 8
2. A/HSK/62	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shops and Services (Real Estate Agency) (3 Years)	4.5.2018	1, 2, 3, 4, 5, 6
3. 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	1, 2, 3, 4, 5, 6, 7
4. A/HSK/111	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Shops and Services (Real Estate Agency) (3 Years)	7.12.2018	1, 3, 4, 5, 7
5. A/HSK/120	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Temporary Shops and Services (Real Estate Agency) (3 Years)	18.1.2019	1, 3, 4, 5, 7
6. A/HSK/130	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Shops and Services (Real Estate Agency) (3 Years)	8.3.2019	1, 3, 4, 5, 7
7. A/HSK/143	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Shops and Services (Real Estate Agency) (3 Years)	3.5.2019	1, 3, 4, 5, 7
8. A/HSK/212	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Temporary Shops and Services (Real Estate Agency) (3 Years)	6.3.2020	1, 3, 4, 5, 7

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 Submission and/or implementation of drainage proposal
- 3 The maintenance of the drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 4 The submission and/or implementation of fire service installations proposals.
- 5 Revocation clauses.
- 6 Reinstatement clause.
- 7 Maintenance of existing trees and landscape planting.
- 8 No vehicle is allowed to queue back to public road or reverse onto/from the public road.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots (OSALs) and Government Land (GL). The OSALs are 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. Lot No. 1119 in D.D. 125 is covered by Short Term Waiver No. 5169 (STW5169) for the purposes of Temporary Shop and Services (Real Estate Agency). No permission is given for occupation of the GL included in the Site (about 9m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularise any irregularities on site, if any. The STW holder(s) will need to apply to his office for modification of the STW condition(s) where appropriate. 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 regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by 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 rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and San Sik Road;
- (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 Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/ manholes and the downstream discharge path as indicated on the submitted drainage proposal;

- (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 New Territories Exempted Houses) are erected on leased land without approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorized Person (AP) 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 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 D of FS 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. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.