

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>Applied Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/HSK/106	“OU(SPS)”, “R(A)2”, “O” and area shown as ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Not Exceeding 5.5 tonnes) and Ancillary Shroff for a Period of 3 Years	1.2.2019 (revoked on 1.8.2020)	(1) to (10)

Approval Conditions

- (1) No night time operation
- (2) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked on site
- (3) No vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site
- (4) No medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site
- (5) No vehicle is allowed to queue back to or reverse onto/from public road
- (6) Submission and implementation of drainage proposal
- (7) Maintenance of drainage facilities on the site
- (8) All screen planting including trees and shrubs within the site shall be maintained in good condition
- (9) Submission and implementation of fire service installations proposal
- (10) Revocation clause

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of Government projects;
- (d) to note that should the applicant fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications;
- (e) to note the comments of District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Site inspection revealed that a number of structures being used for office, storage and workshop purposes were erected on the Site. Portions of the existing structures were also found extending to the adjoining Government land (GL) and they are included in the current application. No permission has been given for the erection of the structures nor has any permission been given for the occupation of the GL concerned. The Site is accessible via a strip of GL leading from Tsing Yick Road. No approval has been given for the use of the said land. His office does not carry out maintenance works for the said road nor guarantee that right-of-way will be given to the Site. The lot owner may consider submitting formal applications to his office for Short Term Waiver (STW) /Short Term Tenancy (STT) to permit erection of the proposed structures on the lots and the adjoining GL. However, there is no guarantee that such application(s) will be approved and he will reserve his right to take any action as may be appropriated. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. If such application(s) is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, rent, deposit and administration fee etc.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any building works are to be carried out on the Site, the prior approval and consent of the BD 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 Buildings Ordinance (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 temporary converted containers for Shroff are considered as temporary buildings are subject to contro under Part. VII of the Building (Planning) Regulations (B(P)R). 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 B(P)R respectively.

If the Site does not abut 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. Detailed checking under the BO will be carried out at building plan submission stage;

- (g) 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 Ng Lau Road Road. The applicant should be responsible for his own access arrangement;
- (h) to note the comments of the Director of Fire Services (D of FS) that the applicant is reminded 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. Regarding the submitted fire services installations (FSIs) proposal, his comments as below:
 - (i) the floor plan of structure should be drawn to scale with metric dimensions;
 - (ii) for covered area, applicant should clarify the construction of structures (e.g. container converted, tin-sheeted) and clearly state whether they are designed with 2 sides or 4 sides open;
 - (iii) details of emergency vehicular access (EVA) should be provided for his deliberation. The applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 by the BD; and
 - (iv) FS Notes should be provided;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that regarding the indicative drainage proposal enclosed in the application, the applicant should provide more details of the proposed drainage design including the invert levels and gradient of the u-channels, and demonstrate that sufficient hydraulic capacity of the proposed drains is provided to convey the surface runoff from the Site. It is noted that the existing 450mm U-channel is not under his purview, the applicant shall obtain consent from relevant government departments or owners for the connections/laying of the proposed drains and associated manholes/catchpits outside the Site. It is applicant's responsibility to identify/locate the existing government stormwater drains to which drainage connections from the Site are to be proposed. The applicant should verify the existence of any drains/sewers/utilities and also their exact locations, levels and alignments on site in order to ascertain the positions and levels of the proposed manholes and the associated connection works. The applicant should also verify that the existing government drains/sewer, to which connections are proposed, are in normal working conditions and capable for taking the discharge from the Site; and
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of

the Hung Shui Kiu/ Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within sites under Second Phase development in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Second Phase development will commence in 2024. In this regard, relevant sites should be returned to the Government by 31.12.2023.