

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed use/ Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/418	“V” on draft Ha Tsuen OZP No. S/YL-HT/6	Temporary Convenient Store (3 Years)	29.7.2005 (3 Years)	2, 3, 8, 9, 10
2.	A/YL-HT/560	“V” on draft Ha Tsuen OZP No. S/YL-HT/9	Renewal of Planning Approval for “Temporary Shop and Services (Convenient Store)” (3 Years)	18.7.2008 (3 Years)	2, 5, 6, 9, 10, 11
3.	A/YL-HT/739	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for “Temporary Shop and Services (Convenient Store)” (3 Years)	22.7.2011 (3 Years)	1, 2, 3, 4, 7, 10, 11
4.	A/YL-HT/926	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Convenient Store) (3 Years)	2.1.2015 (3 Years)	1, 4, 6, 9, 10, 12

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The submission of drainage proposals; and/or provision of 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 trees on the site.
- 7 The maintenance of the landscape planting/existing trees/vegetation.
- 8 The diversion of the existing water mains affected by the development.
- 9 Revocation clauses.
- 10 Reinstatement clause.
- 11 The replanting of the 2 missing trees in the original location on the site.
- 12 The maintenance of the existing drainage facilities on the site.

**Similar s.16 Applications within the subject “V” Zone
on the draft 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/882	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Convenient Store) (3 Years)	7.2.2014 (revoked on 7.2.2015)	1, 2, 4, 5, 7, 8, 9
2.	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	1, 2, 4, 5, 7, 8
3.	A/YL-HT/931	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) (3 Years)	16.1.2015	1, 2, 4, 5, 7, 8
4.	A/YL-HT/955	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	7.8.2015	1, 2, 4, 5, 7, 8, 9
5.	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	1, 2, 4, 5, 7, 8
6.	A/YL-HT/977	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Convenient Store) (3 Years)	29.1.2016 (revoked on 29.4.2016)	1, 2, 4, 5, 7, 8
7.	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	1, 2, 4, 5, 7, 8, 9
8.	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	1, 2, 4, 5, 7, 8
9.	A/YL-HT/998	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Convenient Store) (3 Years)	22.1.2016	1, 2, 4, 5, 7, 8
10.	A/YL-HT/1013	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency) (3 Years)	8.4.2016	1, 2, 4, 5, 7, 8

	<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>
11.	A/YL-HT/1051	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Convenient Store) (3 Years)	7.4.2017	1, 2, 4, 5, 7, 8, 10, 11
12.	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	1, 2, 4, 5, 7, 8
13.	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, 2, 4, 5, 7, 8, 9

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 diversion of the existing water mains affected by the development
- 4 The submission and implementation of landscape and/or tree preservation proposals and/or the maintenance of the landscape planting/existing trees/vegetation
- 5 The submission of FSIs proposals and the implementation of FSIs proposals
- 6 The provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office
- 7 Revocation clauses
- 8 Reinstatement clause
- 9 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 10 no vehicle is allowed to enter/exit or to be parked/stored on the site
- 11 no sewage discharge on site is allowed

Advisory Clauses

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, 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 the prior approval of the Government. No permission is given for occupation of GL (about 104m² subject to verification) included in the site. The fact that the act of occupation of GL without Government's prior approval is not allowed. The private land of Lot No. 1046RP in D.D. 125 is covered by a Short Term Wavier (STW) No. 4163 to permit structures for the purpose of "Temporary Shop and Services (Convenient Store)". The site is accessible to San Sik Road through both private lots and GL. His office provides no maintenance work to the GL involved and does not guarantee any right-of-way. The STW holder will need to apply to his Office for modification of the STW conditions if there are any irregularities on site. 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. Such application(s) will be considered by LandsD acting in the capacity of the landlord 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 LandsD;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement should be commented by TD. 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;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed 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 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 (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 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 Building (Planning) Regulations at the building plan submission stage;

- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, 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 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 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 (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the existing water mains will be affected (**Plan A-2**). A Waterworks Reserve within 1.5m from the centre line of water main shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purpose. The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works and all other services across, through or under it which the Water Authority may require or authorize. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main. The developer shall bear the cost of any necessary diversion works affected by the proposed development. 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
- (j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.