

Previous s.16 Application covering the Application Site

Approved Application

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1.	A/ TM-LTY Y /267	Temporary Shop and Services (Retail Shop and Ancillary Storage Use) for a Period of 3 Years	17.1.2014	(1) and (2)

Approval Conditions

- (1) Submission and provision of fire service installations proposal.
- (2) Revocation clause.

Advisory Clauses

- (a) Prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site concerns an existing petrol filling station office building which is erected partly on Government land and partly on Lot 2792 RP on DD 130. The proposed retail shop and ancillary storage use does not conform with the lease conditions in respect of Lot No. 2792 RP in D.D. 130. Approval has been given by his office for a temporary waiver (TW No. 85) to permit a total floor area of 31.8 square metres for retail sale and storage ancillary to the retail sale. A portion of the existing building which is for toilet use is excluded from the waiver. As for the portion of the existing building on Government land, a short term tenancy (STT No. MX 14015) is issued to permit the use of the land and a built over area of 17.7 square metres of the existing building for use as petrol filling station and retail and ancillary storage purposes. The total area of the Site as stated in the application is about 54.284 square metres which does not tally with the total covered area permitted under the temporary waiver and the short term tenancy. The applicant should clarify the intention and whether there will be any alteration to the existing building. They are reminded that any discrepancies among the Application area and those contained in the short term tenancy and temporary waiver referred to above should be rectified. The Government reserves the right to take any action as may be appropriate if any breach of the lease conditions or the short term tenancies conditions is identified;
- (c) to note the comments of the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD) that part of the Site is underneath the air space vested to KCRC by the Deed of Vesting for West Rail dated 19.12.2003 and within the West Rail Protection Boundary. The Site or any proposed use/development shall not encroach into the air space vested to KCRC.
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures are erected on leased land without approval of the Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including erection of container and connection of drainage) 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. 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.
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded that all wastewaters from the Site shall be properly collected, treated and disposed of in compliance with the requirements under the Water Pollution Control Ordinance;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD) that the subject lot falls within the railway protection boundary of the existing West Rail Line, the MTRC should therefore be consulted with respect to operation, maintenance and safety of the West Rail Line; 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 his Department for approval. The applicant is also advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed should be clearly marked on the layout plans. However, the applicant is reminded that 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.