

**Similar s.16 Applications within the same “V” zone  
on the Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/9**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Development/ Uses</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/TM-LTY Y/288	Temporary Shop and Services (Convenient Store) for a Period of 3 Years	12.12.2014  (Revoked 12.9.2016)	(1) to (5)
A/TM-LTY Y/327	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	3.3.2017	(1) to (6)

**Approval Conditions**

1. No night time operation
2. Submission, implementation and/or maintenance of drainage proposal
3. Submission and implementation of FSIs proposal
4. Revocation Clauses
5. Reinstatement Clause
6. Submission and implementation of landscape and tree preservation proposals

**Advisory Clauses**

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the Site falls within Lot No. 1167 RP in D.D.130 (“the Lot”). The Lot is an Old Schedule Lot 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. The Site is accessible via a strip of government land leading from Wong Kong Wai Road. His office does not carry out maintenance works for the said road nor guarantee any right-of-way will be given to the Site. If planning permission is given by the Board, the lot owner may consider submitting a formal application to his office for a Short Term Waiver to permit erection of the proposed structures on the Lot. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by Lands Department acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc. Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of structures should the same are found or any other breaches of the lease conditions irrespective of whether planning permission has been given or not;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including erection of container and connection of drains) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized 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. In connection with the above, 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. Detailed comments will be made at the building plan submission stage;
- (d) to note the comments of the Director of Environmental Protection (DEP) that public sewers are available at Castle Peak Road and also Fuk Hang Tsuen Road. The applicant can choose to connect sewage discharge to the public sewer nearby. The applicant is advised to seek approval from DSD for the sewer connection. The applicant has proposed to use "流動式臨時男女洗手間" (portable toilet) as stated in the application documents, all sewage from the portable toilet should be trucked away and properly disposal of by a licensed contractor in accordance with the Water

Pollution Control Ordinance and relevant regulations and there would not be any discharge from the portable toilet,;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that since the access road to the Lot is a village road and not managed by TD, the applicant shall seek comments from HAD and LandsD separately;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the proposed access from the Site to Wong Kong Wai Road is not and will not be maintained by HyD. 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/Mainland North, DSD that the applicant should be reminded to incorporate the following comments when submitting the drainage proposal: (i) The applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website([http://www.dsd.gov.hk/EN/Technical\\_Manuals/DSD\\_Guidelines/index.html](http://www.dsd.gov.hk/EN/Technical_Manuals/DSD_Guidelines/index.html) ). (ii) The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works. (iii) It is noted that the applicant proposed to make a drainage connection to an existing drainage channel near the Site. According to his record, the existing u-channel is not maintained by DSD. The applicant should be reminded to see consent from HAD/relevant owner(s) prior to the drainage works. (iv) The applicant should implement the drainage facilities on Site in accordance with the drainage proposal. (v) The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. (vi) The proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. (vii) EPD should be consulted regarding to sewerage aspects of the proposed development;
- (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 where the proposed FSIs 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;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the submitted landscape proposal is confusing and illegible. As the applicant only drew two lines to represent the 24 proposed trees, the landscape proposal lacks basic and important information such as proposed tree location(s) (including alignment) and reference of scale. On the other

hand, the proposed U-channels along the northern and southern boundaries as indicated on the rainwater drainage plan are in direct conflict with the proposed tree planting. On the whole, there is inadequate information to ascertain the feasibility of the landscape proposal. In continuation to the above, despite the Applicant proposing 24 nos. relatively small size nursery stocks of tree species (*Ficus microcarpa* 細葉榕, which is erroneously stated as 細頁榕 in the application) it is unlikely able to provide effective screening. With reference to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” published by PlanD, all new trees should be a minimum of 2.75m height at planting. For useful information on how to submit a landscape proposal, the Applicant may wish to refer to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” published by PlanD. In consideration of the nature of proposed land use of the application, the Applicant may wish to propose other native species of aesthetic or fruiting tree species complementary to the vicinity in lieu of the proposed *Ficus microcarpa* that requires considerable aerial and underground space for its canopy and root system. The Applicant is advised that there precautionary measures such as bollards should be proposed to prevent damage from vehicles, and that each new tree shall have a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D). Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version:

[https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the GLTM Section, DEVB. The Applicant is reminded that approval of the tree preservation and landscape proposal does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to DLO for approval; and

- (j) to note the comments of the Director of Leisure and Cultural Services (DLCS) that the applicant is reminded that from tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the work site and minimize the adverse impact to them during the works period; and if trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DB TC(W) No. 7/2015. It is also noted from the drawings that a total of 24 *Ficus microcarpa* (細葉榕) are proposed to be planted on site for beatification purpose. Maintenance of these trees should rest with the developer.