

Previous Applications Covering the Application Site

Approved Application

<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
A/TM-LTY Y/73	Temporary Real Estate Agency Office for a Period of 3 Years	16.3.2001	(3), (6)
A/TM-LTY Y/75	Retail Shop	30.3.2001	(3)
A/TM-LTY Y/303	Temporary Shop and Services (Retail Shop) for a Period of 5 Years	5.2.2016 (Revoked on 5.8.2016)	(1), (2), (3), (5), (6)
A/TM-LTY Y/328	Temporary Shop and Services (Retail Shop) for a Period of 5 Years	3.3.2017 (Revoked on 3.9.2017)	(1) to (6)

Approval Conditions

- (1) No night time operation
- (2) A minimum horizontal clearance of 500mm from Lam Tei Main Street and minimum vertical clearance of 3.5m over the road verge
- (3) Submission and/or implementation of drainage proposal or provision of drainage facilities
- (4) Maintenance of (existing/implemented) drainage facilities
- (5) Submission and/or implementation of fire service installations proposal
- (6) Revocation clauses

**Similar Applications within the same “V” zone
on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10**

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u> <u>(RNTPC)</u>	<u>Approval Conditions</u>
A/TM-LTY Y/233	“V”	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	30.3.2012	(1), (2), (3), (5), (6), (7), (8), (9)
A/TM-LTY Y/339	“V”, “CDA”	Temporary Shop and Services for a Period of 5 Years	11.8.2017	(1), (3), (4), (5), (8), (9)

Approval Conditions

- (1) No night time operation.
- (2) Submission and implementation of run-in/run-out proposal
- (3) Submission and implementation of drainage proposal
- (4) Maintenance of implemented drainage facilities
- (5) Submission and implementation of fire service installations proposal
- (6) Submission and implementation of landscape proposal
- (7) Provision of boundary fencing
- (8) Revocation clauses.
- (9) Reinstatement clause.

Advisory Clauses

- (a) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application;

- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site falls on the Lot No. 694 S.L ss. 1 in D.D. 130 (“the Lot”) and the adjoining Government Land. The Lot is held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of Government. A Short Term Waiver (“STW”) and a Short Term Tenancy (“STT”) were issued for Lot No. 694 S.L in D.D. 130 (“the Mother Lot”) and its adjoining government land respectively to permit erection of structures for Retail Shop and Real Estate Agency Office purposes. The lot owner has applied for cancel and re-issue of the STW and STT due to subdivision of the Mother Lot. Site inspection revealed that a structure for Shop purpose was erected on the Site. The layout and usage of existing structure tally with the proposal. The Site is accessible via a strip of government land leading from the Lam Tei Main Street. His Office does not and will 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 a STW and a STT to permit erection of the proposed structures on the Lot and the adjoining government land. However, there is no guarantee that the applications will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the applications are approved, they would 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. His Office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of structures of whether planning permission will be given or not;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he 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 the approval of the Buildings Department (BD), 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 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) 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 co-ordinator for the proposed building works in accordance with the BO. Fire barriers with sufficient fire resistance rating should be provided to separate the building and the adjacent unit under Regulation 90 of the Building (Construction) Regulations at the building plan submission stage. The proposed office should be provided with windows in compliance with Building (Planning) Regulations 30 and 31. Detail comments will be made at the building plan submission stage;

- (d) to note the comments of the Director of Environmental Protection (DEP) that village sewerage is being constructed at Lam Tei Main Street and sewer connection to public sewer is preferred. If septic tank and soakaway system is used in case of unavailability of public sewer, its design and construction should follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 “*Drainage Plans subject to Comment by the Environmental Protection Department*” and are duly certified by an Authorized Person;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the applicant shall be required to vacate the road verge at their own cost to facilitate inspection, maintenance, improvement or road works of public highways, street furniture and the like upon prior notification from his department. The applicant shall be required to vacate the road verge without prior notice in emergencies and his department would not be responsible for any damage done to their properties in case they are removed due to emergencies. The applicant should take all necessary measures to avoid causing any damage to public roads/street furniture and make good any damage done at his own expenses to his satisfaction arisen from his activity. Adequate drainage measures should be provided to prevent surface running from the Site to the nearby public roads and exclusive road drains;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) that in regards to the submitted stormwater drainage plan attached in the submission material, the applicant should be reminded to incorporate the following comments when submitting the updated drainage proposal: (i) it is noted that the applicant intended to make use of the existing drainage channel adjacent to the Site, which according to their record is not maintained by DSD. The applicant should be reminded to consult the Home Affairs Department (HAD) and relevant authorities / owners accordingly; (ii) the applicant should be reminded to check the condition of the above mentioned drainage channel to ensure it is in working conditions; (iii) 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; (iv) the proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas; and
- (g) to note the comments of the Director of Fire Services (D of FS) that the installation/maintenance/ modification/ repair work of fire service installation (FSI) shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated of formal submission of general building plans.