

**Previous s.16 Applications Covering the Application Site**

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1.	A/TM-LTY Y/124	Temporary Vehicle Exhibition Area and Office for a Period of 3 Years	18.3.2005	(1), (2), (3) & (4)
2.	A/TM-LTY Y/128	Temporary Vehicle Repair Workshop, Sales and Purchase of Vehicles and Ancillary Office for a Period of 3 Years	20.1.2006 (On Review)	(1), (2), (4) & (5)

**Rejection Reasons**

- (1) Not in line with the planning intention of the "Village Type Development" ("V") zone, no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) Not compatible with the residential dwellings in the surrounding areas.
- (3) The proposed vehicular access point at Shun Tat Street and the proposed pedestrian access off Castle Peak Road - Hung Shui Kui Section were considered unacceptable.
- (4) No information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.
- (5) The proposed vehicular access point at Shun Tat Street was considered unacceptable.

**Similar s.16 Applications within the Same “V” Zone  
on the Approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10**

**Approved Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/TM-LTY Y/210	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	4.3.2011 (Revoked on 4.6.2013)	(1), (2), (3), (4), (12) & (13)
2	A/TM-LTY Y/245	Proposed Temporary Shop and Services (Convenience Store and Real Estate Agency) for a Period of 3 Years	21.12.2012 (Revoked on 21.3.2015)	(1), (2), (3), (4), (12) & (13)
3	A/TM-LTY Y/264	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	8.11.2013	(1), (2), (3), (4), (5), (12) & (13)
4	A/TM-LTY Y/268	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.6.2014 (On review)	(1), (3), (5), (6), (12) & (13)
5	A/TM-LTY Y/296	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.6.2015	(1), (3), (4), (7), (8), (12) & (13)
6	A/TM-LTY Y/321	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	9.12.2016	(1), (2), (3), (4), (8), (9), (12) & (13)
7	A/TM-LTY Y/345	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.3.2018	(1), (2), (3), (4), (8), (9), (10), (12) & (13)
8	A/TM-LTY Y/350	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	18.5.2018	(1), (4), (5), (7), (8), (9), (11), (12) & (13)

**Approval Conditions**

- (1) No night time operation.
- (2) The submission and implementation of landscape and/or tree preservation proposal.
- (3) The submission and implementation of drainage proposal.
- (4) The submission and/or implementation of fire services installations.
- (5) No vehicular access to/from the site and/or no parking on the site.
- (6) The maintenance of existing trees and shrubs within the site.
- (7) No operation on Sundays and public holidays.
- (8) No vehicle is allowed to enter or be parked/stored on the site.
- (9) The maintenance of the implemented drainage facilities.
- (10) The provision of boundary fencing.
- (11) The submission of condition record of the implemented drainage facilities.
- (12) Revocation clauses.
- (13) Reinstatement clause.

**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 (DLO/TM, LandsD) that the Site falls within Lot Nos. 3659 S.B ss.3 RP and 3676 RP in D.D. 124 (the Lots) and adjoining GL. The Lots are 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. A portion of the Site fronting Castle Peak Road – Hung Shui Kiu is GL. No permission has been given for the use of the land. Site inspection revealed that the Site was parked with a number of vehicles. The Site is accessible via a strip of GL leading from Shun Tat Street. His office does not carry out maintenance works for the said footpath nor guarantee any right-of-way will be given to the Site. 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 Lots. 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 LandsD 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 the structures affected irrespective of whether planning permission will be given or not. Enforcement action will also be taken should any structures are found erected without any prior approval given by this office or any unauthorized occupation of GL;
- (c) to note the comments of the Chief 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;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the sewage arising from the Site should be directed to nearby public sewer. 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 (EPD)” and are duly certified by an Authorized Person (AP);
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should be reminded of the followings regarding the submission of a 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) catchpit(s) should be provided at proposed drainage connection before connecting to the existing drainage system; (iii) details of the proposed u-channel, catchpit and pipe and how it would be connected to the existing drainage system should be clarified and clearly shown on the drawing; (iv) peripheral drainage channels should be provided to intercept the surface runoff from the uphill catchment so as to avoid the Site from overland flow

influence; (v) 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, LandsD and seek consent from relevant lot owners before commencement of the drainage works; (vi) 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; and (vii) the proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. There is currently no existing public sewerage facilities available for connection at the Site;

- (f) 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. 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;
- (g) 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 for the structures existing at the Site, BD is not in a position to offer comments on their suitability for the use proposed to the application. If the existing structure is New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121 or the previous Cap 322), DLO/TM should be in a better position to comment on the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the 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, demolition 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 co-ordinator 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 (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;
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if the proposal involves any commercial/trading activities, its state should not as

to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and

- (i) to note the comments of the CLP Power Hong Kong Limited (CLP) that the applicant/land user should not request CLP to divert, modify and/or improve existing 400kV overhead lines circuits. Advance notification should be given to CLP prior to commence of site work in order to obtain safety advice and regular safety audit accordingly. The applicant should strictly follow the Code of Practice (CoP) on working near electricity supply lines and the Electricity Supply Lines (Protection) Regulation (Cap. 406H). Nevertheless, attention should be drawn that it is the applicant's responsibility to observe and comply with all statutory requirements from the Government.