

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

**Approved Application**

<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 Condition(s)</u></b>
A/TM-LTY Y/320	Proposed Temporary Shop and Services (Real Estate Agency and Local Provisions Store) with Ancillary Storage Area and Office for a Period of 3 Years	25.11.2016  [Revoked on 25.4.2019]	(1), (2), (3), (4), (5) and (6)

**Approval conditions**

- (1) No night-time operation
- (2) Submission and implementation of drainage proposal and maintain the implemented drainage facilities
- (3) Submission and implementation of water supplies for firefighting and fire service installations proposal
- (4) Submission and implementation of a tree preservation and landscape proposal
- (5) Provision of boundary fencing
- (6) Reinstatement clause

**Similar Application in the same “R(D)” zone**

**Approved Application**

<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 Condition(s)</u></b>
A/TM-LTY Y/395	Proposed Temporary Shop and Services with Ancillary Office for a Period of 3 Years	20.3.2020	(1), (2), (3), (4), (5) and (6)

**Approval conditions**

- (1) No night-time operation
- (2) Only light good vehicles are allowed to enter/exit the site
- (3) No vehicle is allowed to queue back to or reverse onto/from public roads
- (4) Submission and implementation of a run-in/out proposal
- (5) Submission and implementation of drainage proposal and maintain the implemented drainage facilities
- (6) Submission and implementation of fire service installations proposal

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) the permission is given to the use(s) and development under application. It does not condone any other use(s) and development which currently exist on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use(s) and development not covered by the permission;
- (d) should you fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (e) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
  - (i) The Site falls within Lot Nos. 1211 S.C (Part), 1248 (Part) and 1249 (Part) in DD. 130 (“the Lots”). The Lots concerned are Old Schedule 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.
  - (ii) Site inspection revealed that two 2-storey container-converted structures for office as well as storage and toilet were erected on Lot Nos. 1211 S.C and 1249 in DD. 130. No permission has been given for the erection of the structures. It is also noted that a fire pump room and F.S. water tank on Lot No. 1249 in DD. 130 suspected for the proposed shop use have been excluded from the Site. The configuration of the existing structures does not entirely tally with the proposal as shown on Plan 3 of your submission.
  - (iii) The Site is accessible via a strip of government land (GL) and a number of private lots leading from Tat Fuk Road. His office does not carry out maintenance works for the said GL nor guarantee that right-of-way will be given to the Site.
  - (iv) 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.
  - (v) His office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of structures within the Lots 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 his office or any unauthorized occupation of GL.

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the proposed vehicular access (i.e. via Wong Kong Wai Road and Tat Fuk Road) from the public road to the Site is not and will not be maintained by HyD;
- (g) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (h) to note the comments of the Director of Environmental Protection (DEP) that sewage arising from the subject 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 ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person (AP);
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that in regards to the proposed 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 ([https://www.dsd.gov.hk/EN/Technical\\_Documents/DSD\\_Guidelines/index.html](https://www.dsd.gov.hk/EN/Technical_Documents/DSD_Guidelines/index.html)).
  - (ii) Presumably it is the intent of the applicant to make drainage connection to public drainage to discharge runoff from the Site. According to his records, no DSD maintained facility in the vicinity of the Site. In this regard, the applicant should be reminded to identify such public drainage and consult, as appropriate, the relevant authorities/owners of the existing drainage for consent of the connection works.
  - (iii) Details of the proposed u-channel and catchpits and how it could be connected to the existing drainage system should be clarified and clearly shown in the proposed drainage proposal.
  - (iv) Peripheral drainage channels should be provided to intercept the surface runoff from the uphill catchment so as to avoid the Site from overflow influence. Please review.
  - (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 and seek consent from relevant lot owner 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.
  - (vii) The proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.

- (j) 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. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points: (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (b) 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note the comments of the Director of Leisure and Cultural Services (DLCS) that the applicant should ensure that no vegetation with trees along Tat Fuk Road would be affected; and
- (l) 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 any structures at the Site. The applicant's attention is drawn to the following points.
  - (i) If the existing structures are erected on leased land without approval of the BA (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application.
  - (ii) Before any new building works (including erection of containers and connection of drainage) are to be carried out on the Site, the prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
  - (iii) For UBW erected on leased land, enforcement action may be taken by 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.
  - (iv) In connection with (ii) 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.
  - (v) 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.
  - (vi) Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage.