

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB/TPAB)</u>	<u>Approval Conditions</u>
1	A/YL/230	Temporary Shop and Services (Real Estate Agency) for a Period of 6 Years	7.4.2017 [revoked on 7.1.2018]	(1), (2), (3), (4), (5)

Approval Condition(s):

- (1) No night-time operation during specific time limit, as proposed by the applicant, is allowed on the site.
- (2) Submission and implementation of the drainage proposal and maintenance of the drainage facilities implemented thereunder.
- (3) Submission and implementation of the fire service installations proposal.
- (4) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (5) Reinstatement of the application site upon expiry of planning permission.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) shorter compliance period is imposed in order to 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 may not be given to any further applications;
- (c) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that The Site comprises an Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 9.5m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Kung Um Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on Site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by her department acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be required by her department;
- (d) 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;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage proposal (**Drawing A-3** of this RNTPC paper) that there is an existing drainage manhole at southeast of the Site. The applicant shall review design of the proposed structure to avoid obstruction to inspection and maintenance of the concerned manhole. The existing 550mm covered U-channel, to which the stormwater of the development from the Site would discharge, is not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owner for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) to note the Director of Fire Services' comments that the FSIs proposal submitted by the applicant (**Appendix Ib and Drawing A-4** of this RNTPC paper) is considered acceptable to his department. The applicant is advised that the installation/maintenance/modification/repair work of FSIs shall be undertaken by a 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 him. In addition, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of his department, 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 his department to effect their removal in accordance with his department'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 BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of 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 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.