

**Previous Application covering the Site**

**Approved Application**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
A/YL/136	Proposed Comprehensive Commercial / Residential Development	27.8.2010 (Permission lapsed on 28.8.2018)	(1) to (17)

**Approval Conditions:**

- (1) Submission and implementation of a revised Master Layout Plan.
- (2) Submission and implementation of the Landscape Master Plan including Tree Preservation Scheme.
- (3) Submission of quarterly tree monitoring report.
- (4) Submission of an implementation programme.
- (5) Submission of a revised design of the podium structures to enhance visual quality of the proposed development.
- (6) Submission of a revised Air Ventilation Assessment and to implement suitable mitigation measures identified therein, as necessitated by the proposed development.
- (7) Submission of a revised Environmental Assessment and to implement suitable on-site and off-site mitigation measures identified therein, as necessitated by the proposed development.
- (8) Provision of sewerage upgrading works, as necessitated by the proposed development, prior to the occupation of the proposed development.
- (9) Provision and maintenance of flood mitigation measures, as proposed by the applicant in the Drainage Impact Assessment and any other stormwater drainage facilities as necessitated by the proposed development.
- (10) Provision of waterworks reserve area for protection of existing water mains and any diversion required by the proposed development.
- (11) Submission of a revised Traffic Impact Assessment and to implement suitable traffic improvement measures identified therein, as proposed by the applicant, prior to the occupation of the proposed development.
- (12) Design and provision of a 5m wide 24-hour public passageway at ground level along Yuen Long On Ning Road.
- (13) Design and provision of footbridges and/or footbridge openings.
- (14) Design and provision of a 10m wide non-building area to serve as a public promenade at the western side of the site along the nullah. The promenade should be accessible to the public at all times, and managed and maintained by the owner(s) of the commercial podium without transferring the responsibility to future flat owners, as proposed by the applicant.
- (15) Provision of car parking spaces and loading/unloading bays.
- (16) Provision of emergency vehicular access, water supplies for fire-fighting and fire service installations.
- (17) Preservation of the Entrance Tower of Tai Kiu Village to the satisfaction of the Director of Leisure and Cultural Services or of the TPB.

**Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Lot is a new grant lot sub-divided from the mother lot, i.e. Yuen Long Town Lot No. 29 in D.D. 120, which is governed by New Grant No. 1209 (the New Grant). Pursuant to Special Condition No. 6 of the New Grant, the Lot shall be used only for non-industrial purposes excluding (i) a cinema and (ii) any trade that is now or may hereafter be declared to be offensive trades under the Public Health and Urban Services Ordinance, 1960, or any enactment amending the same or substituted therefor. Relevant licence or approval should be obtained under relevant departments for any specific trades;
- (c) to note the comments of the Director of Environmental Protection (DEP) that if public sewer is not available for connection, septic tank and soakaway system can be used and its design and construction should follow the requirements of her department's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department' including percolation test. You shall comply with all relevant ordinances in Hong Kong, including the Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance. 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 should be followed to minimise any potential environmental nuisances on the surrounding area. For drainage and sewage matters, ProPECC PN 5/93 should also be followed;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public sewer connection available in the vicinity. You should seek the views and comments from DEP regarding the sewage disposal arrangement of the proposed development;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval. 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 also be clearly marked on the layout plans. 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;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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. 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage; and

- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if any facility of her department is affected by the development, prior consent from her department must be obtained. Reprovisioning of the affected facilities by you up to the satisfaction of her department may be required. Besides, you should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to her department. If the proposal involves any commercial/trading activities, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, you should handle on your own/at your expenses. Proper licence / permit issued by her department is required if food business and/or related place of public entertainment activity is involved. For the operation of any types of food business, relevant food licences/permits should also be obtained from her department in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). When a restaurant licensee/licence applicant wishes to use any outside seating accommodation (OSA) outside the restaurant premises for alfresco dining, he/she should take notice of the main licensing criteria for OSA, covering matters such as legal right to use the land concerned, planning, building safety, fire safety, and traffic requirements, etc. as well as to obtain approval from her before commencement. Restaurateurs operating OSA business without approval may be subject to prosecution pursuant to the Food Business Regulation (Cap. 132X). Repeated convictions may lead to suspension or cancellation of their licences.