

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

**Approved Application**

	<b>Application No.</b>	<b>Applied Use(s)</b>	<b>Date of Consideration</b>
1.	A/I-TCV/20	Proposed Temporary Shop and Services (Vegetable and Grocery Store) with Ancillary Office and Storage Uses for a Period of 3 Years	14.10.2022

**Similar s.16 Application for Temporary Shop and Services wholly/partly within  
“Village Type Development” Zone in the vicinity of 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)</u></b>
1	A/I-TCV/17	Proposed Temporary Shop and Services (Vegetable and Grocery Store) with Ancillary Offices and Storage Use for a Period of 3 Years	26.2.2021

**Government Departments' Comments**

**1. Land Administration**

Comments of the District Lands Officer/Islands, Lands Department:

- the application site comprises Old Schedule Agricultural Lots Nos. 1386 RP, 1395 RP and 1387 in D.D. 1 TC (“the 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;
- the Lots are covered by STW No. CX3144 for the purpose of temporary shop and services (vegetables and grocery store) with ancillary office and storage uses subject to a term of 6 months certain commencing on 3.1.2024 and thereafter quarterly. According to the conditions of STW No. 3144, the total built-over-area should not exceed 424.4 sq.m. on the Lots (not exceeding 293.5 sq.m. for temporary shop and services, 97.4 sq.m. for storage and 33.5 sq.m. for ancillary office and toilet), and the maximum height should not exceed 5 m above the existing ground level;
- there is no Small House application approved or under processing at the Site; and
- the applicant should note her advisory comments as detailed in **Appendix IV**.

**2. Buildings**

Comment of the Chief Building Surveyor/ New Territories East (1) and Licensing Section, Buildings Department:

- no in-principle objection under the Buildings Ordinance to the proposed use on the application site; and
- the applicant should note his advisory comments as detailed in **Appendix IV**.

**3. Traffic**

Comments of the Commissioner for Transport (C for T):

- It is noted that currently the subject site does not locate on or adjacent to any public roads managed by her department. She is not in a position to offer comment on the application from traffic engineering point of view in this context.

**4. Environment**

Comments of the Director of Environmental Protection:

- no comment on the planning application;

- it is noted in the current application that the proposed development, including the location and design of septic tank and soakaway (STS) system remain the same as in the previous approved application, which meets the minimum clearance distance from stream as required under ProPECC 1/23. Hence, adverse environmental impact arising from the proposed development is not anticipated; and
- please also note that no complaints have been received, nor enforcement action taken, for the application site in the past 5 years.

## 5. Drainage

Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department:

- no objection to the subject application from drainage maintenance perspective;
- should the application be approved, conditions should be stipulated requiring the applicant to submit a condition record of the existing drainage facilities on the site to his satisfaction; and
- the applicant should note his advisory comments as detailed in **Appendix IV**.

## 6. Fire Safety

Comments of the Director of Fire Services:

- no objection in principle to the proposal subject to fire service installations (FSIs) and water supplies for firefighting being provided to his satisfaction;
- the submitted FSIs proposal is considered acceptable; and
- the applicant should note his advisory comments as detailed in **Appendix IV**.

## 7. Other Departments

The following government departments have no objection to/no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (d) Director of Agriculture, Fisheries and Conservation;
- (e) Director of Electrical and Mechanical Services;
- (f) Director of Food and Environmental Hygiene;
- (g) District Officer (Islands), Home Affairs Department;
- (h) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD); and
- (i) Project Manager (South and Sustainable Lantau), CEDD.

**Recommended Advisory Clauses**

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to note the comment of the Chief Building Surveyor/ New Territories East (1) and Licensing Section, Buildings Department (BD) that:
  - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application;
  - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized 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 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 application site under the BO;
  - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
  - (v) 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 respectively;

- (vi) as 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 Building (Planning) Regulation at the building plan submission stage; and
  - (vii) detailed comments under the BO on individual site for a private development such as permissible plot ratio, site coverage, means of escape, fire resisting construction, emergency vehicular access, provision of natural lighting and ventilation, sanitary fittings and drainage system, etc. will be formulated at the building plans submission stage;
- (c) to note the comment of the Director of Food and Environmental Hygiene (DFEH) that
- (i) the proposed temporary use shall not cause any environmental nuisance, pest infestation and obstruction or any adverse impact to the surrounding;
  - (ii) the applicant should be advised that trade waste delivered to the refuse collection point(s) under the Food and Environmental Hygiene Department's (FEHD) management shall not exceed 100 litres in capacity. For disposal of dangerous waste or trade waste exceeding 100 litres in capacity, the applicant shall arrange direct disposal to the refuse transfer station under the management of the Environmental Protection Department at their own expenses; and
  - (iii) under no contradiction to approved land usage, proper licence/ permit issued by FEHD is required if there is any food business/ catering service/ activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. A place of public entertainment licence must be obtained if a public entertainment event would take place within the lot;
- (d) to note the comment of the Director of Fire Services that if the proposed structures are required to comply with the BO, detailed fire safety requirements will be formulated upon receipt of the formal submission of general building plans;
- (e) to note the comment of the District Lands Officer/Islands, Lands Department that applicant is reminded to strictly comply with the terms and conditions of STW No.

CX3144, especially the conditions in relation to the permitted user and built-over-area of building(s)/structure(s) within the Lots. Failure to comply with the terms and conditions of STW No. CX3144 shall constitute a breach of the waiver and entitle the Government to revoke the waiver forthwith;

- (f) to note the comment of the Director of Drainage Services that the applicant is reminded to conduct regular desilting of the existing drainage ditch to prevent potential flooding risks;
- (g) to note the comment of the Commissioner for Transport that, for its possible connection of vehicular access to the future public road, the applicant should seek advice from the project proponent of relevant road works;
- (h) to note the comment of Project Manager (South and Sustainable Lantau), Civil Engineering and Development Department that:
  - (i) the proposed application site is in vicinity of Contract Nos. NL/2020/06 (C6) and NL/2023/11(C11);
  - (ii) to handle interfacing issues with C6 and C11, the applicant shall coordinate and agree with the Contactor and the Resident Site Staff of C6 and C11 regarding vehicular traffic and pedestrian flow and movement, other site matters in relation to the construction and operations of the proposed use (i.e. Vegetable and Grocery Store) before the applicant's actual implementation of their construction works as well as the future operation;
  - (iii) according to the information provided by the applicant in the application, there will not be any additional vehicular access or vehicle parking spaces proposed by the applicant in the vicinity of C6 and C11;
  - (iv) please ensure that no drainage or water from the proposed application site to be discharged to the site of C6 and C11;
  - (v) please ensure that no existing access in Shek Lau Po in the vicinity of C6 and C11 will be temporarily or permanently blocked by the proposed Vegetable and Grocery Store or its use; and
  - (vi) the applicant of the proposed Vegetable and Grocery Store shall be

responsible for taking immediate and necessary actions to mitigate or resolve vehicular traffic or pedestrian congestion in Shek Lau Po in the vicinity of C6 and C11 due to the operations or uses of the proposed Vegetable and Grocery Store. The details and actions shall be agreed with the Contactor and the Resident Site Staff of C6 and C1 before the applicant can implement their actions at or near the proposed Vegetable and Grocery Store.