

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

**Approved s.16 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 Condition(s)</u></b>
1.	A/YL-NSW/2	Container Storage Yard	30.12.1994 Partially approved on review by TPB (5 Years)	(1), (2), (3), (4), (5), (6)
2.	A/YL-NSW/70	Temporary Container Storage Yard for a Period of 5 Years	28.1.2000 Approved by RNTPC (5 Years)	(1), (2), (3), (7)
3.	A/YL-NSW/158	Container Storage Yard	17.6.2005 Partially approved on review by TPB (5 Years)	(1), (8), (9), (10), (11), (12), (13)
4.	A/YL-NSW/194	Renewal of Planning Approval for Temporary Container Storage Yard for a Period of 5 Years	12.2.2010 Approved by RNTPC (5 Years)	(8), (9), (10), (11), (12), (14), (15)
5.	A/YL-NSW/234	Temporary Container Storage Yard for a Period of 5 Years	6.2.2015 Approved by RNTPC (5 Years)	(7), (8), (9), (11), (14), (15), (16), (17)

**Approval Conditions**

- (1) The submission and/or implementation of a master layout plan / landscaping proposal.
- (2) The provision / maintenance of vehicular access and traffic improvement facilities.
- (3) The provision of noise mitigation measures.
- (4) The provision of the flood mitigation measures as proposed in the drainage impact assessment and other necessary stormwater drainage facilities.
- (5) The provision of a 6m-wide hard paved emergency vehicular access, capable of withstanding a 20 tonne fire appliance and leading from Castle Peak Road to the site.
- (6) Setting back of the site to avoid encroaching onto the works limits of Route 3 – Country Park Section.
- (7) The submission of drainage proposals / the submission of records of the existing drainage facilities on site.
- (8) No operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site.
- (9) The stacking height of the materials stored within 5 metres of the south-western and north-western boundaries of the site should not exceed the height of the boundary fence / the stacking height of the container stored on the site should not exceed 5 units.
- (10) The 3-metre high solid barrier wall along the western and north-western boundary of the site should be maintained at all times.
- (11) The drainage facilities should be maintained at all times.

- (12) The submission of a traffic impact assessment (TIA) and the implementation of traffic arrangement identified in the TIA.
- (13) The provision of the 9-litre water type / 3kg dry powder fire extinguisher.
- (14) The existing landscape planting / trees on the site should be maintained at all times.
- (15) The submission of fire service installations (FSIs) proposal and the provision of FSIs.
- (16) No vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed at any time.
- (17) The provision of fencing of the site, as proposed by the applicant.

### **Rejected s.16 Application**

<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 Reason(s)</u></b>
1.	A/DPA/YL-NSW/18	Proposed Container Storage Yard	13.5.1994 Rejected on review by TPB	(1), (2), (3)

### **Rejection Reasons**

- (1) The proposed development would be affected by the imminent implementation of the proposed Route 3 (Country Park Section) project.
- (2) Insufficient information had been included in the submission to demonstrate that the proposed development would not have adverse operational noise impacts on the nearby settlements and the proposed mitigation measures were insufficient to minimize such impacts.
- (3) The proposed development would be affected by the implementation of the proposed Main Drainage Channels of Yuen Long and Kam Tin Stage I, Phase 2.

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
- (i) the application site (the Site) comprises an Old Schedule Agricultural Lot 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) Lot 1743 S.C RP in D.D. 107 is covered by Short Term Waiver (STW) No. 2788 to permit structures erected thereon for the purpose of “Ancillary Use to Container Storage Yard”; and
  - (iii) should planning approval be given, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (d) to note the comments of the the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the Site falls within the area of influence (AOI) of the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the environmental mitigation measures as recommended in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (f) to note the comments of the Director of Fire Services (D of FS) as follows:

- (i) 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;
  - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
  - (iii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - (iv) 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the 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;
  - (iii) 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 BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iv) 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; and
  - (v) 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;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
- (i) presumably, the applicant would maintain the same drainage facilities as those implemented under previous application (No. A/YL-NSW/234). The applicant should inform Planning Department if the drainage arrangement has been changed; and

- (ii) he noted from photos nos. 4, 7, 8, 10, 11 and 12 in Illustration 3 that there are debris/fallen leaves within the drainage channel. The applicant should conduct clearance for photo re-taking; and
- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) as follows:
- (i) the applicant shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the applicant shall carry out the following measures:
  - (ii) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with CLP Power is necessary;
  - (iii) prior to establishing any structure within the Site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; and
  - (iv) the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant when carrying out works in the vicinity of the electricity supply lines.