

Previous s.16 Application covering the Application Site

Approved Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-NTM/24	Proposed Container Trailer Park	5.8.1994 Approved by RNTPC (3 Years)	1, 2, 3, 4, 5, 6, 7, 8 & 9

Approval Conditions

- (1) The provision of a boundary fence wall with screen planting.
- (2) The provision of vehicular access and car-parking facilities.
- (3) The provision of vehicle queuing spaces within the application site.
- (4) The submission of a detailed drainage impact assessment and the provision of drainage facilities.
- (5) The provision of noise mitigation measures including noise barriers at least 3m in height.
- (6) Night time operation between 11 p.m. and 7 a.m. is not permitted.
- (7) The provision of sewage treatment and disposal facilities.
- (8) The reinstatement of the application site upon expiry of the permission.
- (9) The permission shall cease to have effect on 5.8.1996 unless prior to the said date either the development hereby permitted is commenced or the permission is renewed.



Similar s.16 Applications within "Open Storage" Zone  
on the Ngau Tam Mei OZP No. S/YL-NTM/12

Approved Applications

No.	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-NTM/228*	Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years	5.9.2008 Approved by RNTPC (3 years) [revoked on 5.12.2009]	1, 2, 3, 4, 5, 6, 7 & 8
2.	A/YL-NTM/252	Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years	28.5.2010 Approved by RNTPC (3 years)	2, 3, 4, 5, 6, 8, 9 & 10
3.	A/YL-NTM/291	Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years	7.6.2013 Approved by RNTPC (3 years)	2, 3, 4, 5, 6, 8, 11 & 12
4.	A/YL-NTM/336*	Renewal of Planning Approval for Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years	27.5.2016 Approved by RNTPC (3 years) [revoked on 8.12.2016]	2, 3, 4, 5, 6, 7, 8 & 11
5.	A/YL-NTM/344	Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years	14.7.2017 Approved by RNTPC (3 years)	2, 3, 4, 6, 7, 8, 11 & 13

\*denotes permission revoked

Approval Conditions

- (1) The setting back of the site boundary to avoid encroachment onto the Government land near the site entrance for Drainage Services Department (DSD) and its representative to carry out drainage maintenance works as and when required by Government departments.
- (2) No night -time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site.
- (3) No operation on Sundays or public holidays was allowed on the site.
- (4) The existing/implemented drainage facilities on the site should be maintained at all times.
- (5) The submission of a condition record of the existing drainage facilities on site.
- (6) The submission of fire service installations proposals and provision of the fire service installations.
- (7) The submission and implementation of landscape proposal including tree preservation scheme/tree preservation proposal.
- (8) Revocation clause.
- (9) The setting back of the site boundary to avoid encroachment onto the works limit of the Northern Link railway development as when required by Government departments.
- (10) The implementation of compensatory planting.

- (11) No cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, was allowed on the site.
- (12) The existing trees within the site should be maintained at all time.
- (13) The submission and implementation of drainage proposal.

**Recommended Advisory Clauses**

- (a) to resolve any land issues related to the development with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that 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. The act of occupation of GL without Government's prior approval is not allowed. The lot owners will need to apply to LandsD to permit the structures to be erected or regularize any irregularity on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issue by DEP to minimize potential environmental impacts on the surrounding area;
- (e) to note DAFC's comments that the applicant is advised to adopt appropriate measures to avoid causing disturbance or pollution to the adjacent "CA" zone. Trees on GL within or adjacent to the Site should also be preserved;
- (f) to note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The applicant should also be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) 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;
- (g) to note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the

Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized 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 the BA 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 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) Regulation (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;

- (h) to note CE/MN, DSD's comments that the applicant should be advised on the following:
- (i) he notes that the applicant implemented the drainage facilities on site under previous planning application no. A/DPA/YL-NTM/24. However, the development parameter of the previous application differs from that of the present application. In this respect, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at [http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf)). Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
  - (ii) after completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
  - (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
  - (iv) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
  - (v) the applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
  - (vi) the applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future; and
  - (vii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site;
- (i) to note C of P's comments that no obstruction caused to the vicinity would be tolerated;
- (j) to note DFEH's comments that for the operation of any types of food business, relevant

food license(s) and/or permit(s) should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and

- (k) to note DEMS's comments that 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 application site, the applicant shall carry out the following measures:
- (i) for 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 (HKPSG) published by PlanD, prior consultation and arrangement with CLP Power is necessary;
  - (ii) 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
  - (iii) 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.

