

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

**Approved Application**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A.YL-NTM/105	Car Repair Workshop	24.11.2000 Approved by RNTPC (3 Years)	1, 2, 3, 4, 5, 6 & 7

**Approval Conditions**

- (1) No heavy machinery, crane or hoist shall be used on site
- (2) The height of the temporary structures, containers and stacking height of the materials within the site shall not exceed 5m above ground level
- (3) The submission and implementation of landscaping proposals
- (4) The provision of drainage facilities
- (5) The hard-paving of the site with perimeter ditches connected to oil interceptors
- (6) The provision of fencing
- (7) The provision of sewerage facilities

**Rejected Application**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Main Reasons for Rejection</u></b>
1.	A/YL-NTM/119	Proposed Temporary Storage of Diesel Fuel in an Automobile Diesel Oil Storage Tank for a Period of 3 Years	21.12.2001 Rejected by RNTPC	1

**Main Reasons for Rejection:**

- (1) Insufficient information in the submission to demonstrate that the proposed development would not cause fire and safety hazards in relation to the overhead powerlines



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

**Approved Applications**

<b>No.</b>	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-NTM/232	Temporary Open Storage of Vehicle Parts and Tyre Repair with Ancillary Workshop for a Period of 3 Years	27.3.2009 Approved by RNTPC (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11
2.	A/YL-NTM/233*	Temporary Container Vehicle Park and Container Storage Area with Ancillary Repairing Workshop for a Period of 3 Years	27.3.2009 Approved by RNTPC (3 years) [revoked on 27.6.2011]	1, 2, 3, 4, 5, 7, 8, 9, 10 & 11
3.	A/YL-NTM/238*	Temporary Container Vehicle Park with Ancillary Repairing Workshop Use for a Period of 3 Years	10.7.2009 Approved by RNTPC (3 years) [revoked on 10.6.2011]	1, 2, 3, 4, 7, 8, 10, 11 & 12
4.	A/YL-NTM/247*	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years	19.3.2010 Approved by RNTPC (3 years) [revoked on 19.12.2010]	3, 4, 7, 8, 9, 10, 11 & 13
5.	A/YL-NTM/260	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years	4.3.2011 Approved by RNTPC (3 years)	3, 4, 7, 8, 9, 10, 11 & 13
6.	A/YL-NTM/262	Renewal of Planning Approval for Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop for a Period of 3 Years	6.5.2011 Approved by RNTPC (3 years)	3, 4, 5, 7, 8, 9, 10 & 11
7.	A/YL-NTM/266	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles) and Ancillary Tyre and Repairing Use for a Period of 3 Years	19.8.2011 Approved by RNTPC (3 years)	3, 4, 7, 8, 10, 11, 13 & 14
8.	A/YL-NTM/269*	Temporary Container Tractor/Trailer Park with Ancillary Repair Areas for a Period of 3 Years	6.1.2012 Approved by RNTPC (3 years) [revoked on 18.5.2012]	3, 4, 7, 8, 9, 10 & 11
9.	A/YL-NTM/298	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years	25.4.2014 Approved by RNTPC (3 years)	3, 4, 7, 8, 9, 10, 11 & 15
10.	A/YL-NTM/301*	Renewal of Planning Approval for Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop for a Period of 3 Years	23.5.2014 Approved by RNTPC (3 years)	3, 4, 5, 7, 8, 9, 10 & 11

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
			[revoked on 6.12.2014]	
11.	A/YL-NTM/307	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles) and Ancillary Tyre and Repairing Use for a Period of 3 Years	12.9.2014 Approved by RNTPC (3 years)	3, 4, 7, 8, 10, 11 & 13
12.	A/YL-NTM/342	Renewal of Planning Approval for Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years	7.4.2017 Approved by RNTPC (3 years)	3, 4, 7, 8, 10, 11 & 15
13.	A/YL-NTM/348	Temporary Public Vehicle Park (Including Container Vehicles) and Ancillary Tyre and Repairing for a Period of 3 Years	8.12.2017 Approved by RNTPC (3 years)	3, 4, 7, 8, 10, 11 & 16
14.	A/YL-NTM/358	Proposed Temporary Public Vehicle Park (Private Cars and Container Vehicles), Vehicle Repair Workshop, Open Storage of Construction Material and Ancillary Offices for a Period of 3 Years	4.5.2018 Approved by RNTPC (3 years)	3, 4, 8, 9, 10, 11, 17, 18 & 19
15.	A/YL-NTM/390	Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard for a Period of 3 Years	2.8.2018 Approved by RNTPC (3 years)	3, 4, 8, 10, 18, 19 & 20

\*denotes permission revoked

#### Approval Conditions

- (1) The setting back of the site boundary to avoid encroachment on the resumption boundary of Contract No. DC/2007/01 – Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling.
- (2) A clearance of at least 1.5m from the centerline of the existing water mains at the site should be maintained at all times.
- (3) No night-time operation between 9:00 p.m. / 11:00 p.m. and 7:00 a.m. / 8:00 a.m. / 9:00 a.m. was allowed on the site.
- (4) No operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. and/or 5:00 p.m. / 6:00 p.m. and 11:00 p.m. and between 7:00 a.m. / 8:00 a.m. and 10:00 a.m. / 11:00 a.m. and/or after 1:00 p.m. on Saturdays was allowed on the site.
- (5) The stacking height of the containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time and/or the stacking height of containers stored at any other locations within the site should not exceed 7 or 8 units at any time.
- (6) No cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site.
- (7) Existing fencing and/or landscape planting and/or trees and/or implemented drainage facilities and/or paving of the site should be maintained at all times.

- (8) The submission of a condition record of the existing drainage facilities on site and/or the submission and/or implementation of drainage impact assessment and/or flood mitigation measures and/or as-built drainage plan.
- (9) The submission and/or implementation of compensatory planting scheme and/or landscape proposal and/or tree preservation proposal.
- (10) The submission of fire service installations (FSIs) proposals and/or the provision of FSIs and/or fire extinguisher(s).
- (11) Revocation clause.
- (12) The submission and implementation of vehicular access proposals including swept path analysis for the site.
- (13) Vacation of the site at the time of the Northern Link railway development.
- (14) The submission and implementation of run-in proposal.
- (15) No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site.
- (16) The submission of proposal for buffer area and/or the provision of the buffer area.
- (17) No storage of cement, sand, chemical products and dangerous goods as proposed by the applicant, is allowed on the site.
- (18) No vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site and/or no vehicle queuing and no reverse movement of vehicles on public road is allowed.
- (19) The provision of fencing on the site.
- (20) only hand tools will be used for vehicle stripping, and no stripping or compaction machine shall be used on Site at all times during the planning approval period;

### Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-NTM/242	Temporary Container Storage Yard and Container Vehicle Park with Ancillary Vehicle Repair Workshops and Site Offices for a Period of 3 Years	6.11.2009 Rejected by RNTPC	21 & 22
2.	A/YL-NTM/254	Temporary Container Tractor and Trailer Park (with Ancillary Repair Activities) for a Period of 3 Years	28.1.2011 Rejected by RNTPC	21 & 22
3.	A/YL-NTM/265	Proposed Container Vehicles and Goods Vehicles Repair Yard	2.9.2011 Rejected by RNTPC	21 & 22

### Rejection Reasons

- (21) Not in line with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” in that there was adverse departmental comments regarding the possible adverse environmental impacts on the sensitive receivers in the vicinity of the site and/or the adverse drainage impact on the adjacent areas, and/or traffic obstruction caused by queuing of container trucks/heavy vehicles in the vicinity of Shek Wu Wai Road and Castle Peak Road near Mai Po Tsuen.
- (22) No technical assessment had been submitted to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas and/or no information in the submission to demonstrate that these impacts could be adequately addressed.

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises GL and Old Schedule Agricultural 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. No permission is given for the occupation of GL of about 73 m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. The applicant has to exclude the GL from the Site and apply for a formal approval prior to the actual occupation of the GL. 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 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 rent or fee, as may be imposed by LandsD;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD does not and will not maintain any access connecting the Site and Kwu Tung Road. If the proposed run-in is agreed by TD, the applicant should construct a run in/out at Kwu Tung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the Site access to prevent surface water running from the Site to the nearby public roads or exclusive road drains;
- (c) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the Site falls within the administrative route protection boundary of the proposed NOL, which is 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 administrative route protection may be required to be vacated at the time for the construction of the NOL and would be subject to nuisance, such as noise and vibration of the proposed NOL;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize potential environmental impacts on the surrounding area;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should avoid damages to trees surrounding the Site during operation;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. 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) that if the existing structures are erected on leased land without approval of the BD, 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 the BD to effect their removal in accordance with 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 works or UBW on the Site under the BO; before any new building works (including containers/open sheds as temporary buildings) 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; 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; and 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) that the drainage submission should demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the 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. The applicant's attention is drawn to the following particular comments on the submitted drainage proposal:
1. Please justify size of the proposed U-channels
  2. The whole site boundary should be provided with 300mm diameter U-channels (min)
  3. Catchpits should be well numbered and provided at all bends
  4. The last manhole should be duly marked on plan. Relevant details of the desilting trap should be provided
  5. Please provide full information of the proposed discharge point (existing culvert) i.e. size, shape & invert level. Photos should be submitted to show the existing condition of the point
  6. Details for the connection between the last manhole & the existing culvert should be provided
  7. Please verify that there will not be any backflow effect for the discharge point with the use of invert levels.

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. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. No public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. 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. 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; and

- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that there are 400kV extra high voltage overhead lines running above the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by the Planning Department. The following conditions shall be incorporated for strict compliance by the applicant and his contractors:
1. Please observe the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 - Utility Services of the HKPSG published by the Planning Department and ensure they shall be maintained at any time during and after construction.
  2. No scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines.
  3. In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming.
  4. 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 and his contractors when carrying out works in the vicinity of the electricity supply lines.
  5. As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity, if any.
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that for any waste generated from such activity/operation, the applicant should arrange disposal properly at their own expenses.

