

Previous Planning Applications Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning Under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-NTM/23	Temporary Lorry Park (12 months)	GB*, OS	8.8.1997 (12 months)	1, 2, 6
2.	A/YL-NTM/56	Temporary Public Lorry Park (12 months)	GB*, OS	12.3.1999 (12 months)	1, 2, 6, 12
3.	A/YL-NTM/93 #	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop (3 years)	OS	11.8.2000 (3 years)	2, 4
4.	A/YL-NTM/159	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop (3 years)	OS	19.12.2003 (3 years)	1, 2, 5, 11
5.	A/YL-NTM/208	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop (3 years)	OS	2.2.2007 (3 years) 1.6.2007 (Upon review, TPB agreed to relax the operation hours on Sundays and public holidays)	2, 5, 6, 7, 8, 9, 10, 11, 14
6.	A/YL-NTM/247 @	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen (3 years)	OS	19.3.2010 (3 years)  [Revoked on 19.12.2010]	1, 2, 3, 5, 9, 10, 13 and 14
7.	A/YL-NTM/260	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen (3 years)	OS	4.3.2011 (3 years)	1, 2, 3, 5, 9, 10, 13 and 14

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8.	A/YL-NTM/298	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen (3 years)	OS	25.4.2014 (3 years)	1, 2, 3, 5, 9,10 14 and 15
9.	A/YL-NTM/342	Renewal for Planning Approval for Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen (3 years)	OS	7.4.2017 (3 years)	2, 3, 5, 9, 10, 14 and 15

\* Rezoned to "OS" on Ngau Tam Mei OZP No. S/YL-NTM/4 on 29.9.2000

# Non-compliance with approval conditions but never revoked because of no revocation clause

@ Denotes planning permission revoked

#### Approval Conditions

1. The submission and/or implementation of landscaping/tree preservation/ compensatory planting proposals.
2. The submission and/or implementation of drainage proposals/Drainage Impact Assessment (DIA)/ flood mitigation measures/ as built drainage plan/condition record of the existing drainage facilities on site.
3. The submission and provision of fire service installations.
4. The provision of paving and fencing to the site.
5. Revocation clause.
6. The reinstatement of the application site to an amenity area upon the expiry of the planning permission.
7. The submission and provision of run-in proposals.
8. The provision of fire extinguishers.
9. No night-time operation between 11 p.m. and 7 a.m.
10. No operation on Sundays and public holidays between x a.m. and y a.m. and x p.m. and y p.m.
11. The setting back of the site boundary to avoid road or drainage or other works coordinated or implemented by Government departments.
12. No vehicle without a valid licence is allowed to be parked on the site.
13. Vacation of the site at the time of the Northern Link railway development.
14. Maintain the existing trees/landscape planting on the site.
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.

**Rejected Application**

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning Under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reason(s) for Rejection</u>
1.	A/YL-NTM/14	Temporary lorry park (12 months)	GB*, OS	24.1.1997	1,2

\* Rezoned to "OS" on Ngau Tam Mei OZP No. S/YL-NTM/4 on 29.9.2000

**Rejection Reason(s)**

1. The proposed development is not in line with the planning intention of the "Green Belt" zoning of the application site which is to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. No strong justification has been given to merit a departure from such planning intention even on a temporary basis.
2. The approval of the application will set an undesirable precedent for similar applications, the cumulative effect of which will further degrade the environment of the area.



**Similar Planning Applications within the same "Open Storage" Zone  
on the Ngau Tam Mei Outline Zoning Plan**

**Approved Applications**

	<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 Conditions</u></b>
1.	A/YL-NTM/222 <sup>@</sup>	Proposed Temporary Container Vehicle Park with Ancillary Repairing Workshop (5 Years)	1.8.2008 (5 years) [revoked on 1.2.2009]	1, 2, 3, 4a, 4b, 5, 12b, 13b, 17b
2.	A/YL-NTM/230 <sup>@</sup>	Temporary Container Tractor/Trailer Park with Ancillary Repair Areas (3 Years)	19.6.2009 (3 years) [revoked on 26.8.2011]	1, 3, 5, 8, 10, 12b, 13a, 15a, 17b
3.	A/YL-NTM/233 <sup>@</sup>	Temporary Container Vehicle Park and Container Storage Area with Ancillary Repairing Workshop (3 Years)	27.3.2009 (3 Years) [revoked on 27.6.2011]	1, 3, 5, 6a, 6b, 9, 10, 12b, 13b, 15a, 17b, 18
4.	A/YL-NTM/238 <sup>@</sup>	Temporary Container Vehicle Park with Ancillary Repairing Workshop Use (3 Years)	10.7.2009 (3 years) [revoked on 10.6.2011]	2, 3, 4a, 5, 9, 10, 12b, 13b, 17b, 18
5.	A/YL-NTM/241 <sup>@</sup>	Temporary Cargo Handling, Forwarding Facilities and Container Vehicle Park (3 Years)	6.11.2009 (3 Years) [revoked on 6.5.2012]	1, 2, 5, 12b, 13b, 17b, 22
6.	A/YL-NTM/248	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles) (3 years)	9.4.2010 (3 years)	5, 9, 10, 12b, 13b, 15a, 17b, 20, 21
7.	A/YL-NTM/253	Temporary Container Tractor and Trailer Park (3 Years)	24.9.2010 (3 Years)	5, 10, 12b, 13a, 15b, 17b, 19, 22
8.	A/YL-NTM/257	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Private Cars and Container Vehicles) (5 Years)	28.1.2011 (5 Years)	5, 10, 12b, 13a, 14, 15a, 15b, 17a, 22
9.	A/YL-NTM/258	Temporary Container Tractor/Trailer Park (3 Years)	28.1.2011 (3 Years)	5, 10, 11, 13a, 14, 15a, 15b, 17b, 22
10.	A/YL-NTM/262	Renewal of Planning Approval for Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop (3 years)	6.5.2011 (3 Years)	1, 3, 5, 6a, 6b, 10, 12b, 13c, 15a, 17b

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
11.	A/YL-NTM/266	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles) and Ancillary Tyre and Repairing Use (3 Years)	19.8.2011 (3 Years)	5, 10, 12b, 13c, 14, 15a, 17b, 19
12.	A/YL-NTM/268	Renewal of Planning Approval of Temporary Container Trailer and Tractor Park (5 years)	2.12.2011 (5 Years)	5, 10, 12b, 13a, 15a, 17b
13.	A/YL-NTM/269 <sup>@</sup>	Temporary Container Tractor/Trailer Park with Ancillary Repair Areas (3 Years)	6.1.2012 (3 Years) [revoked on 18.5.2012]	1, 5, 10, 12b, 13a, 15a, 15b, 17b
14.	A/YL-NTM/272 <sup>@</sup>	Temporary Cargo Handling, Forwarding Facility and Container Vehicle Park (3 Years)	4.5.2012 (3 Years) [revoked on 14.5.2013]	1, 2, 3, 4a, 5, 10, 12b, 13a, 17b, 23
15.	A/YL-NTM/278	Temporary Container Vehicle Park with Ancillary Office and Storage (3 Years)	15.3.2013 (3 Years)	1, 2, 3, 5, 9, 12b, 17b, 18, 22
16.	A/YL-NTM/287	Temporary Public Vehicle Park (Private Car and Container Vehicles) and Ancillary Offices (3 Years)	5.4.2013 (3 Years)	5, 9, 10, 12b, 13b, 15a, 17b, 22, 24
17.	A/YL-NTM/300	Temporary Container Trailer/Tractor Park (3 Years)	9.5.2014 (3 Years)	1, 5, 12b, 13a, 15a, 17b, 22
18.	A/YL-NTM/301 <sup>@</sup>	Renewal of Planning Approval for Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop (3 Years)	23.5.2014 (3 Years) [revoked on 6.12.2014]	1, 3, 5, 6a, 6b, 10, 12b, 13c, 15a, 17b
19.	A/YL-NTM/307	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles) and Ancillary Tyre and Repairing Use (3 Years)	12.9.2014 (3 Years)	3, 10, 12b, 13c, 15a, 17b, 19
20.	A/YL-NTM/326 <sup>@</sup>	Temporary Container Vehicle Park with Ancillary Facilities (Including Site Offices and Staff Restroom (3 Years)	4.12.2015 (3 Years) [revoked on 4.5.2018]	1, 2, 3, 10, 12b, 13a, 17b, 22

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
21.	A/YL-NTM/335	Temporary Public Vehicle Park (Including Private Cars and Container Vehicles) (5 Years)	22.4.2016 (5 Years)	1, 3, 5, 10, 12b, 13a, 15a, 17b, 22
22.	A/YL-NTM/339	Temporary Public Vehicle Park (Private Cars and Container Vehicles) and Ancillary Offices (3 Years)	14.9.2016 (3 Years)	1, 5, 10, 12b, 13b, 15a, 17b, 22, 24
23.	A/YL-NTM/343	Temporary Container Tractor and Trailer Park (3 Years)	23.6.2017 (3 Years)	2, 5, 10, 12b, 13a, 17b, 22
24.	A/YL-NTM/348	Temporary Public Vehicle Park (Including Container Vehicle) and Ancillary Tyre and Repairing (3 Years)	8.12.2017 (3 Years)	2, 5, 10, 12b, 13b, 17b, 25
25.	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 (3 Years)	4.5.2018 (3 Years)	1, 2, 3, 5, 12b, 13b, 17a, 17b, 23, 24, 26
26.	A/YL-NTM/380	Temporary Container Vehicle Park with Ancillary Facilities (Including Site Offices and Staff Rest Rooms) (3 Years)	1.2.2019 (3 Years)	1, 2, 3, 5, 10, 12b, 13a, 17b, 22, 23

@ Denotes planning permission revoked

### Approval Conditions

1. The submission and/or implementation of landscaping (and tree preservation)(Compensatory planting scheme) proposals/provision of replacement planting/tree monitoring report.
2. The submission and implementation/provision of drainage proposals/Drainage Impact Assessment (DIA)/flood mitigation measures.
3. The provision/maintenance of paving, and/or fencing, and/or screening.
- 4a. The design and implementation and/or maintenance of vehicular access proposal.
- 4b. Provision of right of way for DSD and its representative to reach an existing stream to carry out regular and emergency work.
5. Revocation clause.
- 6a. The stacking height of the materials/containers stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence.
- 6b. The stacking height of the materials/containers stored at any other location within the site should not exceed 7/8 units at any time.

7. No recycling activities and canteen use were permitted at the site.
8. The implementation of the traffic management measures including construction of passing bays and installation of traffic signs.
9. The setting back of the site boundary to avoid road or drainage or other works project coordinated or implemented by Government departments.
10. Maintenance of the landscape/drainage facilities/sewerage disposal during the approval period.
11. No container trailer/tractor is allowed to be parked on the site.
- 12a. No night-time operation.
- 12b. No night-time operation between 6/7/9/11 p.m. and 7/8/9 a.m./9:00 p.m.
- 13a. No operation on Sundays or public holidays and/or after 1 p.m. on Saturday.
- 13b. No operation between 5/6 p.m. and 8/10 a.m. on Sundays or public holidays.
- 13c. No operation between 7/8 a.m. and 10 a.m. and between 5 p.m. and 11 p.m. on Sundays or public holidays.
14. The submission and implementation of run-in proposals.
- 15a. The submission of a condition record of the existing drainage facilities on site.
- 15b. The submission of a as-built drainage plan.
16. The submission of a tree monitoring report.
- 17a. The provision of a 9-litres water type/3kg dry powder fire extinguisher/street fire hydrant.
- 17b. The submission and provision of fire service installations.
18. A clearance of at least 1.5m from the centerline of the existing water mains.
19. Vacation of the site at the time of the development of Government projects.
20. Only one ingress / egress point is allowed.
21. The ingress / egress gate of the application site should be set back to permit at least one vehicle waiting in front of the gate without occupying the spaces of public road and footway outside the gate.
22. No cutting, dismantling, melting, cleansing, repairing or other workshop activities.
23. No vehicle queuing and no reverse movement of vehicle into or out from the site/on public road is allowed.
24. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed is allowed to be parked/stored on the site.
25. The submission and provision of the buffer area within the application site fronting Kwu Tung Road.
26. No storage of cement, sand, chemical products and dangerous goods.



**Rejected Applications**

	<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>Main Reasons for Rejection</u></b>
1.	A/YL-NTM/242	Temporary Container Storage Yard and Container Vehicle Park with Ancillary Vehicle Repair Workshops and Site Offices (3 Years)	6.11.2009	1, 2
2.	A/YL-NTM/254	Temporary Container Tractor and Trailer Park (with Ancillary Repair Activities) (3 Years)	28.1.2011	1, 2
3.	A/YL-NTM/265	Proposed Container Vehicles and Goods Vehicles Repair Yard	2.9.2011	1, 2
4.	A/YL-NTM/289	Temporary Cargo Handling and Forwarding Facility, Warehouse, Container Vehicle Park with Ancillary Office (3 Years)	19.4.2013	1, 2
5.	A/YL-NTM/292	Temporary Cargo Handling, Forwarding Facilities and Container Vehicle Park (3 Years)	27.9.2013 [rejected on 28.3.2014 on review]	1, 2, 3

**Rejection Reasons**

1. There is insufficient information/No technical assessment in the submission to demonstrate that the development would not have adverse environmental/drainage/agricultural/traffic impact(s) on the surrounding areas.
2. Not in line with TPB PG-No.13E in that there was adverse departmental comments regarding the possible adverse environmental/drainage/agricultural/traffic impact(s).
3. Approval of the application with repeated non-compliance would set an undesirable precedent for other similar planning applications for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.



**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/uses which currently exist on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (c) to resolve any land issues related to the development with the concerned owner(s) of the Site;
- (d) to note DLO/YL, LandsD's comments that the comprises 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. A portion of GL with an area of about 495 m<sup>2</sup> of the Site is covered by Short Term Tenancy (STT) No. 2859 for the purpose of "Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen". No permission is given for occupation of the remaining GL with an area of about 67 m<sup>2</sup> (subject to verification) included in the Site. The act of occupation of the remaining GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. New structures without Government's prior approval are found erected on the private land which are work-in-progress. Termination letters have been issued to terminate the STWs with immediate effect. Provided that the concerned work-in-progress structures are self-demolished by the applicant to DLO's satisfaction, applications for fresh STWs will be considered. However, there is no guarantee that such applications will be approved. The Site is accessible from Kwu Tung Road through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site. The STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. 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 applications will be approved. If such applications are 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;
- (e) to note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Kwu Tung Road. 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;

- (f) to note CE/RD 2-2, RDO, HyD's comments that the Site falls within the administrative route protection for 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 administrative route protection boundary 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;
- (g) to note DEP's comments that the applicant shall 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;
- (h) to note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (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 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 works or UBW on the Site under the BO. 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. 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. 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;
- (i) to note CE/MN, DSD's comments that previous application No. A/YL-NTM/342 by the applicant covers a smaller site area within the current Site. In this respect, the application should be processed as a new case. The applicant is requested to duly address their comments below and re-submit the proposal for comments: (i) cover & invert levels of catchpits and more ground levels should be provided to justify the flow of stormwater; (ii) the applicant is required to justify on the sizing of the proposed U-channel. The minimum sizing of U-channels to be used is 300mm; and (iii) invert level should be provided at the connection of the outlet and the existing stream. The drainage submission should 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 & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. For preparation of the drainage proposal, the 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) for reference. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. 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. 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 is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. 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;

- (j) to note CE/C, WSD's comments that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, waterworks reserve with 1.5m measuring from the centerline of the affected water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and
- (k) to note DFEH's comments that for any waste generate from such activity/operation, the applicant should arrange disposal at her own expenses. Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

