

Previous S.16 Applications

Approved Application

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
A/NE-TKL/590	Proposed Temporary Private Vehicle Park for Light Goods Vehicle and Heavy Goods Vehicle and Loading/Unloading Area for a Period of 3 Years	17.8.2018	A1 - A10

Approval Conditions

- A1 No operation between 7:30 p.m. and 8:00 a.m. on Mondays to Fridays and between 1:30 p.m. and 8:00 a.m. on Saturdays was allowed
- A2 No operation on Sundays and public holidays was allowed
- A3 No construction materials should be stored within the site
- A4 No car washing, vehicle repair, dismantling, plant spraying or other workshop activities was allowed
- A5 The provision of boundary fencing
- A6 The submission of drainage proposal and the provision of drainage facilities
- A7 The submission and the implementation of landscape proposal
- A8 The submission and the implementation of traffic management measures
- A9 Revocation Clause
- A10 Reinstatement Clause

Rejected Applications

Application No.	Proposed Developments	Date of Consideration	Rejection Reasons
A/NE-TKL/70	Open Storage of Construction Materials, Marble and the use of Five Containers as Storage Area for a Temporary Period of 12 Months	10.7.1998 (on review)	R1 - R3
A/NE-TKL/98	Temporary Open Storage of Marbles and Ancillary Parking Area for a Period of 12 Months	23.4.1999 (on review)	R2, R4 - R5
A/NE-TKL/141	Proposed Temporary Open Storage of Marble Slabs with Ancillary Parking and Loading/Unloading Activities for a Period of 3 Years	14.7.2000	R2, R4 - R5
A/NE-TKL/566	Proposed Temporary Workshop and Warehouse for Construction Materials for a Period of 3 Years	23.6.2017	R6 - R8

Rejection Reasons

- R1 The subject open storage development was not in line with the planning intention of the "Agriculture" zoning for the area which was to retain and safeguard good agricultural land for agricultural purposes and to retain arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from such planning intention even on a temporary basis.
- R2 The development was not compatible with the surrounding land uses which were predominantly rural and agricultural in character.
- R3 The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would further degrade the environment of the area.
- R4 The development was not in line with the planning intention of the "Agriculture" ("AGR") zone which was to retain and safeguard agricultural land for agricultural purposes and to retain arable land with potential for rehabilitation. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- R5 The approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the surrounding environment.
- R6 The proposed temporary use under application was not in line with the planning intention of the "Agriculture" ("AGR") zone for the Ping Che and Ta Kwu Ling area, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.

- R7 The applicant failed to demonstrate that the proposed development would not cause adverse traffic and environmental impacts on the surrounding areas.
- R8 The approval of the application will set an undesirable precedent for similar applications within the same "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

**Similar S.16 Applications for Temporary Workshop within /partly within “Agriculture” Zone
in the vicinity of the Application Site
in the Ping Che and Ta Kwu Ling Area**

Approved Applications

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-TKL/345*	Temporary Furniture Repair Workshop, Covered and Open Storage of Metal and Steel Materials, Machine Accessories, Machinery and Equipment for Electronic Components with Ancillary Office, Electricity Transformer Room and Lavatory for a Period of 3 Years	1.4.2011 (Revoked on 1.1.2012)	A1, A3, A6, A9, A10, A12, A13 & A17
A/NE-TKL/376*	Proposed Temporary Vehicle Repair Workshop for Lorry and Container Vehicle, Furniture Repair Workshop, Open Storage of Metal and Steel Materials, Machine Accessories, Machinery and Equipment for Electronic Components with Ancillary Office, Electricity Transformer Station and Lavatory for a Period of 3 Years	18.11.2011	A1, A4, A6, A9, A10, A12, A13 & A17
A/NE-TKL/481*	Temporary Vehicle Repair Workshop for Lorry, Coach and Container Vehicles with Ancillary Office & Electricity Transformer Station for a Period of 3 Years	17.10.2014 (Revoked on 17.1.2017)	A1, A4, A5, A7, A8, A10, A12, A13 & A17
A/NE-TKL/602*	Temporary Vehicle Repair Workshop for Lorry, Coach and Container Vehicle with Ancillary Office & Electricity Transformer Station for a Period of 3 Years	19.10.2018	A2, A4, A5, A8, A11, A12, A14, A15, A16, A17 & A18

Remarks

*: The application nos. A/NE-TKL/345, A/NE-TKL/376, A/NE-TKL/481 and A/NE-TKL/602 involve the same site.

Approval Conditions

- A1 No operation between 6:00 p.m. and 9:00 a.m. was allowed
- A2 No operation between 6:15 p.m. and 9:00 a.m. was allowed
- A3 No operation on Saturdays, Sundays and public holidays was allowed
- A4 No operation on Sundays and public holidays was allowed

- A5 The peripheral fencing should be maintained
- A6 The submission and the implementation of drainage proposals
- A7 The existing drainage facilities implemented should be maintained
- A8 The submission of a condition record of the existing drainage facilities
- A9 The submission of tree preservation and landscape proposals
- A10 The implementation of tree preservation and landscape proposals
- A11 All existing trees should be maintained in good condition
- A12 The submission of proposals on water supplies for fire-fighting and fire service installations
- A13 The provision of water supplies for fire-fighting and fire service installations
- A14 The implementation of traffic improvement measures identified in the Traffic Impact Assessment
- A15 The implementation of proposals for fire service installations and water supplies for firefighting
- A16 The existing drainage facilities should be maintained properly and those facilities if found inadequate/ineffective should be rectified
- A17 Revocation Clause
- A18 Reinstatement Clause

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department on the following:
- (i) the Site comprises private lots and they are Old Schedule lot held under the Block Government lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own arrangement for acquiring access, and there is no guarantee that any adjoining Government land will be allowed for the vehicle access of the proposed use;
 - (ii) the development schedule indicates a mobile toilet will be erected on the Site. The applicant should note that any proposed toilet facilities should meet current health requirements;
 - (iii) the applicant proposed vehicles entering into the Site would gain access through Lot 2263 S.B RP in D.D. 76. In this regard, the applicant has to obtain consent from the respective lot owner(s) by himself. The Government does not guarantee any right of way and access to the Site; and
 - (iv) the applicant shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by DEP and all pollution control ordinances, in particular the Water Pollution Control Ordinance, since the Tan Shan River is located at the north of the Site;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the following:
- (i) the Site is in an area where no public sewerage system is available;
 - (ii) in the drainage proposal submission, the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development; and
 - (iii) the applicant should be reminded to comply with following conditions:

- the Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the steamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flood mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
 - the applicant should be reminded to minimise the possible adverse environmental impacts on the existing streamcourse in his design and during construction;
 - the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the Site any time during or after the works; and
 - if the surface runoff is to be discharged to Tan Shan River, the applicant is required to propose a means in their drainage proposal to remove or screen the contaminated runoff before allowing it to enter into DSD's stormwater drainage system. The removal or screening facilities such as the last manhole, desilting trap, petrol interceptor and the like (for a storage compound of building materials, preferably a desilting trap) should be maintained by the applicant and shall be available for Government inspection upon demand, and its clearance action shall be enforceable by Government upon demand;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
- (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized buildings works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) 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 building works or UBW on the application site under the BO;
 - (iii) temporary shelters or converted containers for storage/ washroom/ first-aid room/ site office are considered as temporary buildings, they are subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII;
 - (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 B(P)R respectively;
 - (v) if the Site does not abut 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; and

- (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under the BO will be provided at the building plan submission stage;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Director of Fire Services, Fire Services Department (FSD) on the following:
 - (i) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
 - (ii) the applicant should be advised that 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; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that Tan Shan River is located to the north of the Site, the applicant should perform good site practice so as not to pollute the river nearby.