

Previous S.16 Application

Approved Application

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-FTA/21	Container Trailer Park with Ancillary Vehicle Repair Workshop	16.10.1998	A1 – A4

Approval Conditions:

- A1 The provision of parking facilities, vehicular manoeuvring space and vehicular access
- A2 The provision of drainage facilities
- A3 The submission and implementation of landscaping proposals
- A4 Commencement clause

**Similar S.16 Applications for Warehouse
within/partly within “Other Specified Uses (Port Back-up Uses)” Zone
in the vicinity of the application site
in the Fu Tei Au & Sha Ling Area**

Approved Applications

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-FTA/124	Proposed Temporary Warehouse Facilities with Ancillary Car Parking for a Period of 3 Years	19.4.2013 (Revoked on 19.10.2013)	A1, A3, A9, A12, A14 & A18
A/NE-FTA/155	Proposed Warehouse (Excluding Dangerous Goods)	23.10.2015	A6, A9, A13, A15, A16 & A17
A/NE-FTA/157	Proposed Warehouse (Excluding Dangerous Goods Godown)	20.11.2015	A6, A9, A11, A13 & A17
A/NE-FTA/158*	Proposed Temporary Warehouse and Storage of Clothing with Ancillary Facilities for a Period of 3 Years	4.3.2016 (Revoked on 4.12.2016)	A2, A4, A5, A7, A8, A10, A12, A14, A18 & A19

Remarks

*: The application no. A/NE-FTA/158 and the rejected application no. A/NE-FTA/180 involve the same site

Approval Conditions

- A1 No night time operation between 6:00 p.m. and 9:00 a.m. should be allowed
- A2 No operation between 6:00 p.m. and 9:00 a.m. on weekdays and Saturdays was allowed
- A3 No operation on Sundays and statutory holidays should be allowed
- A4 No operation on Sundays and public holidays was allowed
- A5 No vehicle repairing, dismantling or other workshop activities was allowed
- A6 The provision of boundary fence on the site
- A7 The maintenance of the existing boundary fencing
- A8 The submission of drainage proposal
- A9 The submission and the implementation of drainage proposal

- A10 The provision of drainage facilities
- A11 The design and provision of water supplies for fire-fighting and fire service installations
- A12 The submission and implementation of proposals for water supplies for fire-fighting and fire service installations
- A13 The submission and implementation of landscape proposal
- A14 The submission and implementation of tree preservation and landscape proposals
- A15 The design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations
- A16 The submission of a Geotechnical Planning Review Report and the implementation of the proposed slope stabilization works
- A17 Commencement clause
- A18 Revocation clause
- A19 Reinstatement clause

Rejected Application

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-FTA/180*	Temporary Warehouse and Storage of Clothing with Ancillary Facilities for a Period of 3 Years	13.10.2017	R1

Remarks

*: The application no. A/NE-FTA/180 and the approved application no. A/NE-FTA/158 involve the same site

Rejection Condition

- R1 The applicant failed to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) as follows:
- (i) the Site comprises private lot and adjoining Government land. The Lot is an Old Schedule Lot held under the Block Government Lease (demised for agriculture use) without any guaranteed right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
 - (ii) the occupation area is larger than that of the application area;
 - (iii) the existing structures on the Site were erected without approval from his office. These structures are not acceptable under the Leases concerned. His office reserves the right to take enforcement actions against the structures concerned;
 - (iv) unauthorised structures/fencing were erected on the Government Land (GL adjoining the Site. His office reserves the right to take land control actions against the unauthorised occupation of GL;
 - (v) the southern side of the Site would be affected by WSD's waterworks reserve. Advice from WSD should be sought as appropriate; and
 - (vi) if the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are 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 fee as considered appropriate by his office;
- (b) to note the comment of the Commissioner for Transport (C for T) that the Hung Kiu San Tsuen Road located between the Site and Man Kam To Road is a local village track and is not under Transport Department's management. In this regard, the land status of the access leading to the Site should be checked with the relevant lands authority;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
- (i) the Site is in an area where no public sewerage connection is available; and
 - (ii) the general requirements in the drainage proposal should include:
 - surface channel with grating covers should be provided along the site boundary;
 - a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and discharge structure

shall be provided;

- the cover levels of proposed channels should be flush with the existing adjoining ground level;
- a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
- catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
- the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
- the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
- for those existing drainage facilities to which the applicant proposed to discharge the storm water from the Site not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- 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 drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
- the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;
- for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
- the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- the applicant shall allow all time free access for the Government and its agent to

conduct site inspection on their completed drainage works;

- the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
- photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan;

(d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that part of the Site encroaches the Waterworks Reserve (WWR) and the following conditions shall apply:

- (i) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
- (ii) no structures shall be built or materials stored within 1.5 m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (iii) no trees or shrubs with penetrating roots maybe planted within the WWR or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers maybe required if the clear distance between the proposed tree and the pipe is 2.5 m or less, and the barrier must extend below the invert level of the pipe;
- (iv) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 m around the cover of any valve or within a distance of 1 m from any hydrant outlet; and
- (v) tree planting may be prohibited in the event that the Director of Water Supplies considered that there is any likelihood of damage being caused to water mains;

(e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:

- (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent from BA should be obtained, otherwise they are unauthorized building works (UBW). An authorized person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the 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 Site under the BO;

- (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)Rs) 5 and emergency vehicular access shall be provided under B(P)Rs 41D; and
- (iv) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the BA under B(P)Rs 19(3) at the building plan submission stage;
- (f) to note the comments of the Director of Fire Services (D of FS) as follows:
- (i) 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 FSI to be installed should be clearly marked on the layout plans; and
- (ii) to address the condition on provision of fire extinguisher(s), the applicants should submit valid fire certificate(s) (FS 251) to his department for compliance of condition; and
- (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Building 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 Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) as follows:
- (i) the applicant should review if *Ficus Microcarpa* (細葉榕), which is a tree species with aggressive root system, is suitable for the Site with limited space as shown on the landscape proposal;
- (ii) approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval; and
- (iii) to refer to the following materials published by the Development Bureau for general tree maintenance and tree risk management:
- Pictorial Guide for Tree Maintenance:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf;
 - Handbook on tree Management:
http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html;
 - Tree Risk Assessment and Management Arrangement:
http://www.greening.gov.hk/tc/tree_care/tra_arrangements.html;
 - Minimising Tree Risks:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_leaflet_Big_font_size_v1_2012_03_29.pdf; and

- Pictorial Guide for Tree Maintenance to Reduce Tree Risks:
[http://www/greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www/greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);

- (h) to note the comment of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should be reminded to perform good site practice so as not to disturb the wooded area at the “GB” zone to the north of the Site; and
- (i) to note the comments of that the Director of Environmental Protection (DEP) as follows:
- (i) should there be any sewage generated from the proposed temporary uses, proper treatment and disposal should be provided as per “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses (CoP)”. The applicant should be reminded of S(1) of Notes to Annex I in CoP that ‘In case of unavailability of public sewer, a septic tank and soakaway (STS) pit should be provided’. The design, construction, operation and maintenance of STS should follow ProPECC PN 5/93 and be certified by Authorised Person; and
- (ii) the applicant should be reminded of his obligation to comply with all environmental protection/ pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant environmental measures given in the CoP during construction and operation stages of the proposed use.