

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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/ Appeal Board)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-HT/301	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Construction Materials (3 years)	18.6.2004 (on appeal)	1, 2, 3
2.	A/YL-HT/484	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/8	Renewal of planning approval for temporary “Open Storage of Construction Materials” under Application No. A/YL-HT/301 (3 years)	11.5.2007	2, 4, 5, 6, 7, 8, 9, 10, 11, 12
3.	A/YL-HT/673	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of planning approval for Temporary “Open Storage of Construction Materials” under Application No. A/YL-HT/484 (3 years)	7.5.2010	2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
4.	A/YL-HT/748	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Warehouse for Storage of Construction Material and Recyclable Material (including Metal and Plastic Goods) with Ancillary Vehicle Repair Workshop (3 years)	2.9.2011 (revoked on 2.11.2012)	1, 2, 4, 5, 10, 11, 12, 14, 16
5.	A/YL-HT/894	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Warehouse for Storage of Machinery and Spare Parts (3 years)	4.4.2014	1, 4, 5, 6, 7, 10, 11, 12, 15, 16
6.	A/YL-HT/1067	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of planning approval for Temporary Warehouse for Storage of Machinery and Spare Parts (3 years)	3.3.2017	4, 5, 6, 7, 10, 11, 12, 15, 16

**Approval Conditions:**

1. The submission of drainage proposals and/or the provision of drainage facilities.
2. The stacking height of the goods stored shall not exceed 5m.
3. The site shall not be used for the purpose of a general godown for storage of anything for reward.
4. No night-time operation and no operation on Sundays and public holidays.
5. No heavy vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor, is allowed to enter/exit or to be parked/stored on the site.
6. Maintenance of drainage facilities and the submission of a condition record.
7. No cutting, dismantling, repairing, melting, cleansing and workshop activity.
8. The materials stored at the site shall only be construction materials dealt with by the applicant’s business or the business to which the applicant has a beneficial interest.
9. The submission and implementation of a run-in proposal.
10. The provision of a fire extinguisher, and/or the submission and implementation of FSIs proposals.
11. The provision/maintenance of fencing.
12. Revocation and reinstatement clauses.
13. No open storage of recyclable materials.
14. No vehicle over 10m long was allowed to enter, park or operate at the site.
15. The submission and/or the implementation of tree preservation and landscape proposals.
16. No vehicle is allowed to queue back to or reverse onto/from the public road.

**Rejected Applications**

<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Reason(s) for Rejection</u></b>
1. A/YL-HT/174	"CDA" on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed Temporary Vehicle Park for Private Cars, Light Goods Vehicles, Lorries and Container Trailers (3 years)	8.12.2000	1, 2, 3
2. A/YL-HT/192	"CDA" on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Container Trailer Park (3 years)	30.3.2001	1, 2, 3

**Reasons for Rejection:**

- 1 The development is not compatible with the rural character of the surrounding areas.
- 2 Deep Bay Road, which is a single track road and is not suitable for heavy vehicles, has no spare capacity to allow for further proliferation of vehicle parking activities. There is insufficient information to demonstrate that the development would not have adverse traffic impact on the surrounding area.
- 3 There is insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas.

**Similar applications within the same “O” zone  
on the approved Hung Shui Kiu and Ha Tsuen OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/1061	“CDA” on the approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Warehouse and Logistics Centre (3 years)	23.12.2016 (revoked on 23.5.2019)	1, 3, 4, 5, 6, 7, 8, 9, 11
2.	A/HSK/156	“V(1)”, “G/IC”, “O” & ‘Road’ on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Warehouse and Logistics Centre (3 years)	5.7.2019	2, 5, 6, 7, 8, 10, 11, 12

**Approval Condition(s):**

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 Maintenance of existing fencing/landscape planting.
- 3 The submission of Drainage Impact Assessment/drainage proposals and/or implementation of drainage proposals and maintenance of implemented drainage facilities.
- 4 Reinstatement clause.
- 5 Revocation clauses.
- 6 No night-time operation/no operation on Sundays or public holidays.
- 7 The provision/maintenance of fencing.
- 8 The provision of fire extinguisher and/or the submission and implementation of fire service installations (FSIs) proposal or the provision of FSIs.
- 9 No handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances including cathode-ray tubes (CRT), CRT computer monitors/television, and CRT equipment is allowed.
- 10 Submission of a condition record and maintenance of the existing drainage facilities.
- 11 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 12 No recycling works, storage, dismantling and assembling of electronic products and other workshop activities is allowed on the Site

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of GL (about 635m<sup>2</sup> subject to verification) included in the Site. The act of occupation of 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. The private lots which are covered by Short Term Waiver (STW) is listed below:

Lot No(s). in D.D.128	STW No.	Purposes
194, 195 and 196	3644	Temporary Warehouse for Storage of Construction Material and Recyclable Material (Including Metal and Plastic Goods) with Ancillary Vehicle Repair Workshop

The STW holders will need to apply to his office for modification of the STW conditions where appropriate and 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 to regularize any irregularities 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. Besides, 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. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 the LandsD. The Site is accessible from Deep Bay Road through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over GL to the Site;

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drain. HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record submission should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the Site. If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without 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 the BA to effect their removal in accordance with the 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 building 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) Regulations (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 the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. 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) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt good site practices and implement necessary water pollution control measures to avoid affecting the nearby wooded areas, watercourses and ponds in the "Coastal Protection Area" zone; and
- (k) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of HSK/HT NDA. According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.