

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/7	"U" on draft HT OZP No. S/YL-HT/1	Proposed Temporary Open Storage of Containers (3 years)	29.11.1996 by TPB (3 years) (revoked on 8.11.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/477	"U" on draft HT OZP No. S/YL-HT/8	Proposed Temporary Open Storage of New/Used Vehicles (Private cars, Light and Medium Goods Vehicles) with Ancillary Workshops and Storage (3 years)	9.3.2007 (3 years) (revoked on 9.6.2008)	1, 4, 6, 7, 8, 9, 10, 14
3.	A/YL-HT/507	"U" on draft HT OZP No. S/YL-HT/8	Temporary Open Storage of New/Used Vehicles (Private Cars, Light, Medium and Heavy Goods Vehicles, Container Vehicles and Trailers) with Ancillary Workshops and Storage (3 years)	12.10.2007 (3 years) (revoked on 12.10.2008)	1, 4, 6, 7, 8, 10, 13, 14
4.	A/YL-HT/539	"U" on draft HT OZP No. S/YL-HT/9	Temporary Public Vehicle Park (Private cars, Goods Vehicles, Container Vehicles and Trailers) (3 years)	9.5.2008 (3 years) (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
5.	A/YL-HT/570	"U" on draft HT OZP No. S/YL-HT/9	Temporary Public Vehicle Park (Private Cars, Goods Vehicles, Container Vehicles and Trailers) (3 years)	10.10.2008 (3 years) (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
6.	A/YL-HT/632	"U" on approved HT OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Containers (1 year)	9.10.2009 (1 year)	1, 4, 7, 8, 11, 15, 16, 17
7.	A/YL-HT/662	"U" on approved HT OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Left-hand-drive Vehicles, Construction Materials and Heavy Machinery with Workshops and Scrap Metal Area (3 years)	7.5.2010 (1 year) (revoked on 15.9.2010)	1, 4, 7, 8, 9, 11, 15, 17, 18, 19, 20
8.	A/YL-HT/733	"U" on approved HT OZP No. S/YL-HT/10	Temporary Recycling Centre and Open Storage Area for Recycled Plastics, Paper and Scrap Metal, New Private Cars, Light, Medium and Heavy Goods Vehicles (3 years)	20.5.2011 (1 year)	1, 7, 8, 12, 14, 18, 21, 22

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
9.	A/YL-HT/811	“U” on approved HT OZP No. S/YL-HT/10	Temporary Recycling Centre and Open Storage of Recycled Plastics, Paper and Scrap Metal, Electronic Wastes, New Private Cars, Light, Medium and Heavy Goods Vehicles and Construction Materials with Ancillary Workshops (3 years)	9.11.2012 (1 year)	1, 6, 7, 8, 14, 15, 18, 21,22
10.	A/YL-HT/928	“U” on approved HT OZP No. S/YL-HT/10	Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop (3 years)	6.2.2015 (3 years)	1, 4, 8, 11, 14, 23, 24
11.	A/HSK/31	“R(A)3”, “R(A)4” and “O” on draft HSK and HT OZP No. S/HSK/1	Temporary Warehouse for Storage of Spare Parts and Adblue (3 years)	22.12.2017 (revoked on 22.5.2020)	6, 7, 8, 14, 22, 23, 25

Approval Conditions:

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of Noise Impact Assessment and provision of noise mitigation measures.
- 4 The submission of Drainage Impact Assessment/drainage proposals and/or implementation of drainage proposals and/or provision of drainage facilities.
- 5 The submission of Traffic Impact Assessment and implementation of traffic improvement measures.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 No storage or parking of container vehicles or heavy goods vehicles.
- 10 No car/vehicle dismantling and/or repairing and/or workshop activity.
- 11 The provision of fencing.
- 12 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 13 The setting back of the eastern boundary of the site to avoid encroachment upon the proposed resumption area of the project of ‘Yuen Long and Kam Tin Sewerage and Sewage Disposal’ of PWP Item No. 235DS as when required.
- 14 The provision of a 9-litre water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations (FSIs) proposal or the provision of FSIs.
- 15 No stacking of materials within 5m of the periphery of the site.
- 16 The stacking height of containers stored should not exceed 8 units.
- 17 No vehicle is allowed to access the site through the existing ingress/egress at the southwestern boundary.
- 18 No cutting, welding and major dismantling work.
- 19 No vehicle was allowed to be parked/stored at the vehicle holding area from 8:00 p.m. to 8:00 a.m.
- 20 Only vehicles of weight less than 5.5 tonnes is allowed to be stored at the site.
- 21 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 22 Maintenance and the submission of a condition record of the existing drainage facilities.
- 23 No vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time.
- 24 No material is allowed to be stored/dumped within 1m of any tree on the site
- 25 Maintenance of existing fencing and /or landscape planting.

Rejected Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reason(s) for Rejection</u>
1.	A/YL-HT/2	“U” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Open Storage of Containers (3 years)	24.11.1995 by TPB (29.10.1996 dismissed by TPAB)	1, 2, 3
2.	A/YL-HT/171	“U” on approved Ha Tsuen OZP No. S/YL-HT/4	Proposed Temporary Open Storage of Construction Materials (3 years)	24.11.2000	4, 6, 7
3.	A/YL-HT/188	“U” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Flea Market (3 years)	26.2.2001	3, 4, 6
4.	A/YL-HT/211	“U” on approved Ha Tsuen OZP No. S/YL-HT/4	Proposed Temporary Open Storage of Construction Machinery with Repair Workshop (3 years)	17.8.2001	6
5.	A/YL-HT/233	“U” on approved Ha Tsuen OZP No. S/YL-HT/4	Proposed Temporary Recycling Materials (Including Construction Materials) Handling Yard (3 years)	11.1.2002	4, 6

Main Reason(s) for Rejection:

1. The proposed development is not in line with the planning intention of the “U” zone on the OZP which is to safeguard the proposed railway alignment as suggested by the Railway Development Study as well as proposing appropriate forms of development alongside. There is insufficient information in the submission to demonstrate that the proposed development will not cause significant impacts on the environment and is compatible with the rural characteristics of the area.
2. The turning movement of long container vehicles in and out of the depot in either direction of Ping Ha Road will interpret traffic flow of the road and will also pose road safety hazards both to drivers themselves and other road users.
3. The approval of the application, even on a temporary basis, will set an undesirable precedent for similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the environment in the area.
4. There is insufficient information in the submission to demonstrate that the proposed development would not result in noise nuisance to the residents in the high-rise buildings in Tin Shui Wai.
5. There is insufficient information in the submission to demonstrate that the proposed vehicular access for the proposed development is acceptable.
6. There is insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic, environmental and/or landscape impacts on the surrounding areas.
7. The environmental condition of the area adjacent to the application site is already deteriorating. The approval of the application would result in further degradation of the environment in the area.

**Similar Applications within the subject “R(A)3”, “R(A)4” and “O” zones
on the approved HSK and HT OZP No. S/HSK/2**

Approved Applications

<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1. A/HSK/37	“G/IC”, “O” and ‘Road’ on draft HSK and HT OZP No. S/HSK/1	Proposed Temporary Warehouse (Furniture) and Ancillary Office (3 Years)	12.1.2018 (3 Years) (revoked on 12.7.2018)	1, 3, 4, 5, 6, 7, 8, 9
2. A/HSK/70	“R(A)3”, “R(A)4”, “O” and ‘Road’ on draft HSK and HT OZP No. S/HSK/1	Proposed Temporary Warehouse for Storage of Plastic Products (3 Years)	15.6.2018 (3 Years) (revoked on 15.12.2019)	1, 2, 3, 4, 5, 6, 7, 9
3. A/HSK/177	“R(A)3”, “R(A)4” and ‘Road’ on approved HSK and HT OZP No. S/HSK/2	Temporary Warehouse for Storage of Electrical Appliances (3 Years)	6.9.2019 (3 Years)	1, 4, 5, 6, 8, 10
4. A/HSK/183	“R(A)3”, “R(A)4”, “O” and ‘Road’ on approved HSK and HT OZP No. S/HSK/2	Proposed Temporary Warehouse for Storage of Construction Machinery, Construction Material, Food and Electronic Goods (3 Years)	4.10.2019 (3 Years)	1, 2, 4, 5, 6

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The submission of a condition record of the existing drainage facilities.
- 3 The submission and implementation of tree preservation and landscape proposal.
- 4 The submission/implementation of FSIs proposals.
- 5 The provision/ maintenance of fencing, and/or landscape planting, and /or drainage facilities.
- 6 Revocation clauses.
- 7 Reinstatement clause.
- 8 The submission of drainage proposals and/or implementation of the drainage proposal.
- 9 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 10 No cutting, and/or dismantling, and/or repairing, and/or cleansing, and/or compaction, and/or tyre repair, and/or vehicle repair, and/or container repair and other workshop activity.

Advisory Clauses

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots (OSALs). The OSALs are 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. The GL within the application site (of about 1,520m² subject to verification) is covered by Short Term Tenancy No. 2835 (STT2835) for the purposes of Temporary Logistics centre for Warehouse for Storage of Metal with Ancillary Workshop. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
1845	3616	Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop and Site Offices
1846	4454	
1846	4057	Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop
1827 S.B	4656	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop
1827 S.B ss.1	5003	Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop and Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop
1828	5004	
1843, 1844 and 1848	5005	
1849	5006	

The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) 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(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 rent or fee, as may be imposed by LandsD;

- (f) to note the comments of the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. 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;

- (g) 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/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record 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;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the Building Authority (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 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 BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator 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. If the Site does not abut on 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;
- (k) to note the comments of the Director of Fire Services (D of FS) that the fire service installations (FSIs) proposal in the application is considered acceptable to his Department. The installation/maintenance/modification/repair work of FSIs shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (l) 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 Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering 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 Stages 3 and 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 will not be arranged before 2024.