

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/81	“REC” on the then Approved Ha Tsuen OZP No. S/YL-HT/2	Temporary Open Storage of Containers (1 year)	14.5.1999 (1 year)	1, 2, 3, 4, 7
2.	A/YL-HT/154	“REC” on the then Approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers (3 years)	16.6.2000 (3 years) (revoked on 16.3.2001)	1, 2, 3, 4, 6, 7
3.	A/YL-HT/244	“REC” on the then Approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers with Ancillary Office (3 years)	26.4.2002 (3 years)	2, 3, 4, 5, 6, 7
4.	A/YL-HT/390	“REC” on the Drafted Ha Tsuen OZP No. S/YL-HT/6	Temporary Open Storage of Containers with Ancillary Office (3 years)	13.5.2005 (3 years)	1, 3, 6, 7, 8
5.	A/YL-HT/540	“REC” and “OS” on the Drafted Ha Tsuen OZP No. S/YL-HT/9	Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office under Application No. A/YL-HT/390 (3 years)	9.5.2008 (3 years) (revoked on 9.11.2008)	1, 4, 7, 8, 9, 10, 11
6.	A/YL-HT/621	“REC” and “OS” on the Drafted Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Office (3 years)	19.6.2009 (3 years)	1, 3, 4, 6, 8, 9, 10, 12, 13, 14, 15
7.	A/YL-HT/791	“REC” and “OS” on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office under Application No. A/YL-HT/621 (3 years)	15.6.2012 (3 years) (revoked on 19.3.2014)	1, 2, 3, 4, 6, 8, 9, 10, 12, 13, 14, 15, 16
8.	A/YL-HT/900	“REC” on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office (3 years)	13.6.2014 (3 years) (revoked on 13.6.2015)	1, 2, 3, 4, 6, 8, 9, 10, 12, 13, 14, 17

9.	A/YL-HT/924	“REC” and “OS” on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office (3 Years)	28.11.2014 (3 years)	1, 2, 4, 7, 8, 9, 11, 12, 14, 17
10.	A/HSK/45	“OU(LF)” and “O” on the Draft HSK and HT OZP No. S/HSK/1	Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office (3 Years)	9.2.2018 (3 years)	3, 6, 7, 8, 9, 10, 11, 12, 14, 17

Approval Conditions:

- 1 the submission and implementation of landscaping or/and tree preservation proposals.
- 2 the submission of drainage proposals and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals.
- 3 reinstatement clause.
- 4 the provision of paving or/and fencing.
- 5 the submission and implementation of maintenance schedule for the screen planting.
- 6 revocation clause.
- 7 the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 8 the maintenance of the drainage/landscape facilities/paving/fencing.
- 9 no night-time operation and no operation on Sundays and public holidays.
- 10 the submission of a condition record of the existing drainage facilities.
- 11 the provision of fire extinguisher(s) and/or submission of a valid fire certificate (FS251).
- 12 the submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 13 no stacking of containers/storage of materials within 5m/6m from the peripheral fencing of the site and/or the stacking height of containers stored on the site should not exceed 7/8 units, with/without a stepped height profile.
- 14 no cutting, dismantling, cleansing, repairing and workshop activity, except ancillary container repair/minor ancillary tyre-repair.
- 15 no structure shall be erected on the site, and/or the removal of all existing structures on-site.
- 16 no material, including container, was allowed to be stored/dumped within 1m of any tree.
- 17 no vehicle exceeding 24 tonnes is allowed to enter the site and no vehicle queuing back to public road.

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>Reasons for Rejection</u>
1.	A/YL-HT/524	“REC” on the then Approved Ha Tsuen OZP No. S/YL-HT/8	Temporary Open Storage of Containers (3 years)	18.1.2008	1, 2, 3
2.	A/YL-HT/552	“OS” and “REC” on the Drafted Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Containers with Ancillary Office (3 years)	20.6.2008	1, 2, 6

3.	A/YL-HT/576	“OS”, “REC” and “V” on the Drafted Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Containers with Ancillary Office (3 years)	21.11.2008	1, 4, 5
4.	A/YL-HT/634	“OS”, “REC” and “V” on the Approved Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Containers with Ancillary Office (3 years)	24.7.2009 (review was rejected on 26.3.2010)	1, 2, 4

Reasons for Rejection:

1. the development was not in line with the then TPB Guidelines for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments and there is insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and/or drainage impacts and/or visual on the surrounding areas.
2. the development was incompatible with the nearby village settlements.
3. the development was not in line with the planning intention of the “REC” zone.
4. the applied use at the north-eastern portion of the site was not compatible with the nearby village settlements, in particular the residential dwellings to the east and the cluster of village type developments to the north.
5. the extension of the container yard further to the north-east was not in line with the planning intention of the “V” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. The approval of the application would frustrate the planning intention of the “V” zone. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis.
6. the extension of the container yard further to the north was not in line with the planning intention of the "Recreation" zone which was primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application 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 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. The private lots which are covered by Short Term Waivers (STWs) are listed below:

<b>Lot No(s). in D.D.125</b>	<b>STW No.</b>	<b>Purposes</b>
1143 RP	4536	Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office
1153	4357	Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office
1154 RP	4358	Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office)
1155	4359	(i) Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office (ii) Warehouse (excluding Dangerous Goods Godown)
1156 & 1158	4984	Warehouse (excluding Dangerous Goods Godown)
1138	5101	Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office
1139 RP	5102	Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office
1169	5104	Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office

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 STW holders will need to apply to his office for modification of the STW conditions where appropriate. 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;

- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. Local track leading to the Site is not under Transport Department (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/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;

- (f) 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;
- (g) 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;
- (h) 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 House) 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, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorized Person 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. 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. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at the building plan submission stage;
- (i) to note comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. 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;
- (j) 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 three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within the sites under Second Phase development and Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for Second Phase development will commence in 2024. In this regard and subject to the necessary approval as required, the Government planned to acquire these relevant sites by end 2023 for the development of HSK/HT NDA; and

- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the applicant should take note of any interfacing issue with the proposed fresh and flushing water mains designed and implemented under the HSK/HT NDA project that will intersect the Site (**Plan A-2 of the RNTPC Paper**).