

Similar s.16 Applications within the "OS" zone on the OZP

Approved Applications

| No. | Application No. | Proposed Use(s) | Date of Consideration (RNTPC/TPB) | Approval Conditions |
|-----|-----------------|--|--|---|
| 1. | A/YL-NTM/232 | Temporary Open Storage of Vehicle Parts and Tyre Repair with Ancillary Workshop for a Period of 3 Years | 27.3.2009 Approved by RNTPC (3 Years) | 1, 5, 6, 7, 9, 10, 12, 13, 15, 17, 18 |
| 2. | A/YL-NTM/233 | Temporary Container Vehicle Park and Container Storage Area with Ancillary Repairing Workshop for a Period of 3 Years | 27.3.2009 Approved by RNTPC (3 Years) | 1, 5, 6, 9, 10, 12, 13, 15, 17, 18 |
| 3. | A/YL-NTM/238 | Temporary Container Vehicle Park with Ancillary Repairing Workshop Use for a Period of 3 Years | 10.7.2009 Approved by RNTPC (3 Years) [revoked on 10.6.2011] | 2, 3, 8, 9, 10, 11, 12, 13, 17, 18, |
| 4. | A/YL-NTM/247 | Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years | 19.3.2010 Approved by RNTPC (3 Years) | 1, 2, 5, 10, 11, 12, 13, 17 |
| 5. | A/YL-NTM/260 | Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years | 4.3.2011 Approved by RNTPC (3 Years) | 1, 5, 10, 11, 12, 13, 15, 17 |
| 6. | A/YL-NTM/262 | Renewal of Planning Approval for Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop for a Period of 3 Years | 6.5.2011 Approved by RNTPC (3 Years) | 1, 3, 5, 6, 13, 15, 17 |
| 7. | A/YL-NTM/266 | Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use for a Period of 3 Years | 19.8.2011 Approved by RNTPC (3 Years) | 5, 10, 11, 12, 13, 14, 15, 17 |
| 8. | A/YL-NTM/269 | Temporary Container Tractor/Trailer Park with Ancillary Repair Areas for a Period of 3 Years | 6.1.2012 Approved by RNTPC (3 Years) | 1, 5, 12, 13, 15, 17 |
| 9. | A/YL-NTM/298 | Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years | 25.4.2014 Approved by RNTPC (3 Years) | 1, 2, 5, 10, 12, 13, 17, 16 |

| No. | Application No. | Proposed Use(s) | Date of Consideration (RNTPC/TPB) | Approval Conditions |
|-----|-----------------|--|--|-----------------------------------|
| 10. | A/YL-NTM/301 | Renewal of Planning Approval for Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop for a Period of 3 Years | 23.5.2014 Approved by RNTPC (3 Years) [revoked on 6.12.2014] | 1, 2, 5, 6, 10, 12, 13, 17 |
| 11. | A/YL-NTM/307 | Renewal of Planning Approval for Temporary "Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing" Use for a Period of 3 Years | 12.9.2014 Approved by RNTPC (3 Years) | 2, 5, 10, 11, 12, 13, 17 |
| 12. | A/YL-NTM/342 | Renewal of Planning Approval for Temporary Lorry and Container Tractor/ Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years | 7.4.2017 Approved by RNTPC (3 Years) | 2, 5, 10, 12, 13, 17, 16 |
| 13. | A/YL-NTM/348 | Temporary Public Vehicle Park (including container vehicle) and Ancillary Tyre and Repairing for a Period of 3 Years | 8.12.2017 Approved by RNTPC (3 Years) | 2,4, 5, 10, 12, 13, 17 |
| 14. | A/YL-NTM/358 | Proposed Temporary Public Vehicle Park (Private Cars and Container Vehicles), Vehicle Repair Workshop, Open Storage of Construction Material and Ancillary Offices for a Period of 3 Years | 4.5.2018 Approved by RNTPC (3 Years) | 1, 2, 3, 5, 8, 12, 13, 17, 19, 20 |

Approval Conditions

- (1) The submission and implementation of landscaping (and tree preservation) (Compensatory planting scheme) proposals/provision of replacement planting.
- (2) The submission and implementation/provision of drainage proposals/Drainage Impact Assessment (DIA)/flood mitigation measures/the submission of a condition record of the existing drainage facilities.
- (3) The provision/maintenance of paving, and/or fencing, and/or screening to the site.
- (4) The submission and implementation of a proposal for buffer area within the application site
- (5) Revocation clause
- (6) The stacking height of the materials/containers stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence. /The stacking height of the materials/containers stored at any other location within the site should not exceed 7/8 units at any time.
- (7) No recycling activities and canteen use were permitted at the site.
- (8) No reversing of vehicles into or out from the site is allowed.
- (9) Setback site boundary to avoid road or drainage or other works project coordinated or implemented by Government departments/encroachment on the works limit of the "Drainage Improvement in Northern New Territories - Package A" project.

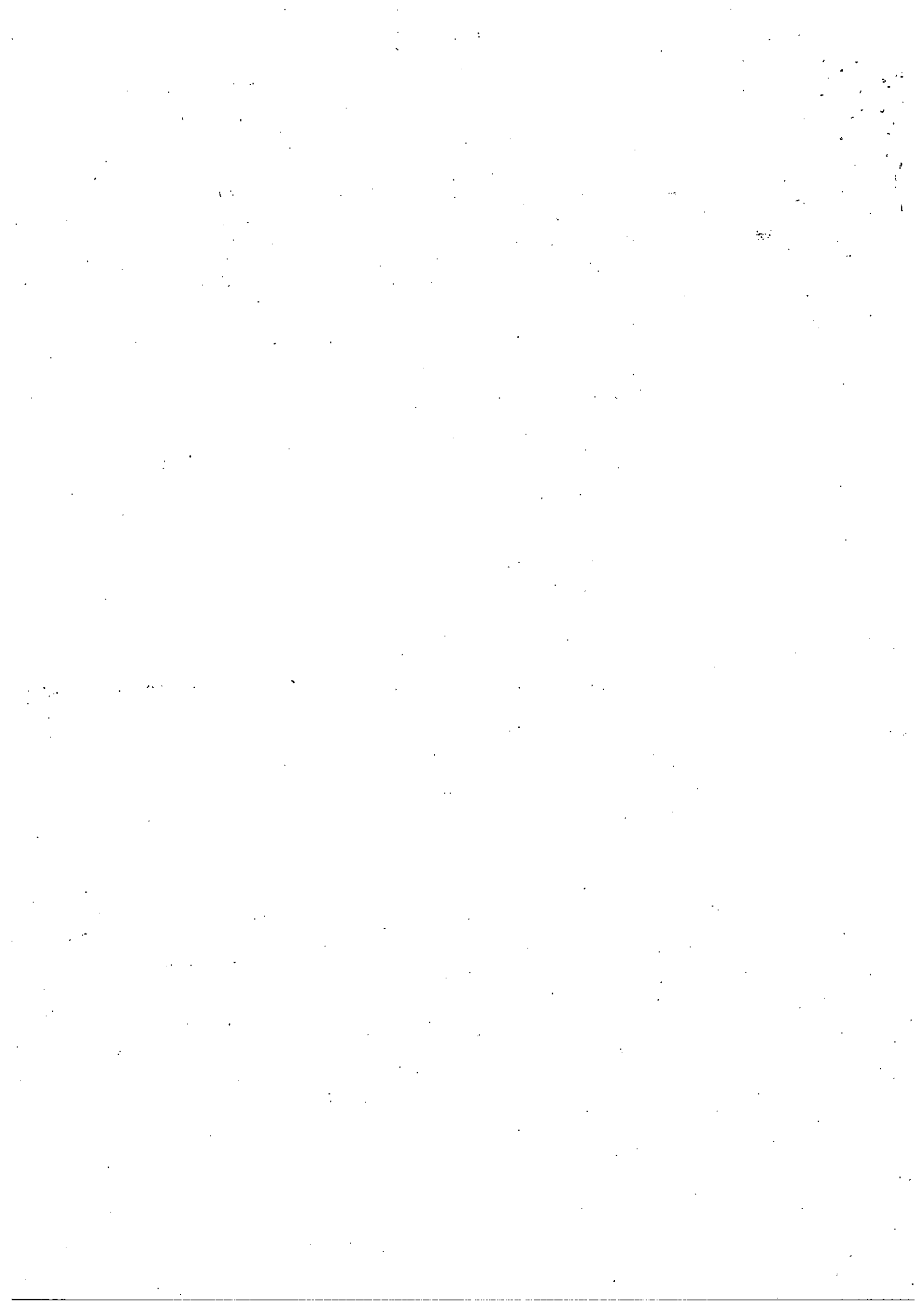
- (10) Maintenance of the landscape/landscape planting/existing vegetation/trees/existing drainage facilities/paving or/and fencing/sewerage disposal during the approval period.
- (11) The submission of vehicular access proposals including swept path analysis/ The implementation of the accepted vehicular access proposal.
- (12) No night-time operation / No night-time operation between 6:00p.m./7:00 p.m./11:00 p.m. and 7:00 a.m./8:00 a.m./9:00p.m.
- (13) No operation on Sundays or public holidays / No operation between 5/6 pm and 8/10 am on Sundays or public holidays / No operation between 7 am and 10 am and between 5 pm and 11 pm on Sundays or public holidays.
- (14) The submission and implementation of run-in proposals.
- (15) The submission of a condition record of the existing drainage facilities on site / The submission of a as-built drainage plan.
- (16) No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site.
- (17) The provision of a 9-litres water type/3kg dry powder fire extinguisher/street fire hydrant / The submission and provision/implementation of FSIs proposal.
- (18) A clearance of at least 1.5m from the centerline of the existing water mains.
- (19) No storage of cement, sand, chemical products and dangerous goods as proposed by the applicant, is allowed on the site during the planning approval period;
- (20) No vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;

Rejected Applications

| <u>No.</u> | <u>Application No.</u> | <u>Proposed Use(s)/ Development(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Rejected Reasons</u> |
|------------|------------------------|--|--|-----------------------------|
| 1. | A/YL-NTM/242 | Temporary Container Storage Yard and Container Vehicle Park with Ancillary Vehicle Repair Workshops and Site Offices for a Period of 3 Years | 6.11.2009 Rejected by RNTPC | 2 |
| 2. | A/YL-NTM/254 | Temporary Container Tractor and Trailer Park (with Ancillary Repair Activities) for a Period of 3 Years | 28.1.2011 Rejected by RNTPC | 1, 2 |
| 3. | A/YL-NTM/265 | Proposed Container Vehicles and Goods Vehicles Repair Yard | 2.9.2011 Rejected by RNTPC | 1, 2 |

Rejected Reasons

- (1) There is insufficient information/No technical assessment in the submission to demonstrate that the development would not have adverse environmental and/or drainage and/or traffic impact(s) on the surrounding areas.
- (2) Not in line with TPB PG-No.13E in that there was adverse departmental comments regarding the possible adverse environmental and/or drainage and/or agricultural and/or traffic impact(s).



Recommended Advisory Clauses

- (a) to resolve any land issues related to the development with the concerned owner(s) of the application site (the Site);
- (b) to note DLO/YL, LandsD's comments that the Site comprises Old Scheduled 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. A portion of Government Land (GL) with an area of about 257m² of the Site is covered by a Short Term Tenancy (STT) No. 2967 for the purpose of "Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard". No permission is given for occupation of the remaining GL with an area about 13m² (subject to verification) included in the Site. The act of occupation of the remaining GL without Government's prior approval is not allowed. The private land (PL) of Not Nos. 434 and 444 in D.D.102 are covered by Short Term Waiver (STW) Nos. 4505 and 4506 respectively to permit structures for the purpose of "Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard". The Site is accessible to Ka Lung Road through GL. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way. Should planning approval be given, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions if there is any irregularity on site. Furthermore, the applicant has to either exclude the remaining GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by Lands Department (LandsD) acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 LandsD;
- (c) to note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by TD. The land status of the local access road should be clarified with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note CHE/NTW, HyD's comment that HyD does not and will not maintain the vehicular accesses connecting the Site and Ka Lung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize potential environmental impacts on the surrounding area;
- (f) to note CE/C, WSD's comments that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the Site, a Waterworks Reserve within 1.5m from the centerline of water main shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officer and contractors,

his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;

- (g) to note CE/MN, DSD's comments that the drainage proposal submitted by the applicant is considered unacceptable. In this regard, the applicant shall submit a drainage submission to demonstrate how rain water falling onto or flowing to the Site will be collected, conveyed and discharged. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and inverted levels of pipes/catchpits/outfalls and ground level justifying waterflow, etc.) with supporting design calculations according to the 'Guideline on Preparation of the Drainage Proposal' available at DSD's website should be included. Should additional drainage works be required, approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the Site boundary in order to ensure the unobstructed discharge from the Site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site;
- (h) to note D of FS' comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) 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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new buildings works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD 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. For UBW erected on leased land, enforcement action may be taken by the 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. 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 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 Building (Planning) Regulation at the building plan submission stage;

- (j) to note C of P's comments that there shall be no activities associated with Parallel Trading/General Merchandise Operators or illicit refueling activities; and
- (k) to note DEMS's comments that in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the current application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and /or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

