

Previous s.16 Applications covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-NTM/26	Open storage of Plywood	5.8.1994 Approved by RNTPC	1, 2, 3, 4, 5 & 6
2.	A/YL-NTM/326	Temporary Container Vehicle Park with Ancillary Facilities (Including Site Offices and Staff Rest Rooms) for a Period of 3 Years [revoked on 4.5.2018]	4.12.2015 Approved by RNTPC (3 Years)	7, 8, 9, 10, 11, 12 & 13

Approval Conditions

- (1) The provision of a boundary fence wall with screen planting.
- (2) The provision of vehicular access, and car parking and loading/unloading facilities.
- (3) The provision of a 6m wide hard-paved emergency vehicular access, capable of withstanding a 20 tonnes fire appliance, leading from Kwu Tung Road to the application site.
- (4) The submission of a detailed impact assessment and the provision of drainage facilities.
- (5) The provision of noise mitigation measures.
- (6) The provision of sewage treatment and disposal facilities.
- (7) No operation between 7:00 p.m. and 7:00 a.m. on Mondays and Saturdays, as proposed by the applicant, is allowed on the site.
- (8) No operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site.
- (9) No cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity is allowed on site.
- (10) The existing fencing on the site shall be maintained at all times.
- (11) The submission and implementation of landscape proposal.
- (12) The submission and implementation of drainage proposal.
- (13) The submission of fire service installations (FSIs) proposal and the provision of FSIs.



Similar s.16 Applications within "Open Storage" Zone  
on the Ngau Tam Mei OZP No. S/YL-NTM/12

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-NTM/230*	Temporary Container Tractor/Trailer Park with Ancillary Repair Areas for a Period of 3 Years	19.6.2009 Approved by RNTPC (3 years) [revoked on 26.8.2011]	6, 7, 8, 9, 13, 16, 23 & 24
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) [revoked on 27.6.2011]	1, 2, 3, 6, 7, 8, 9, 13, 16, 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]	1, 2, 3, 5, 7, 8, 9, 13, 16 & 25
4.	A/YL-NTM/241*	Temporary Cargo Handling, Forwarding Facility and Container Vehicle Park for a Period of 3 Years	6.11.2009 Approved by RNTPC (3 years) [revoked on 6.5.2012]	3, 4, 6, 7, 8, 9 & 16
5.	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) [revoked on 19.12.2010]	3, 6, 7, 8, 9, 11, 13 & 19
6.	A/YL-NTM/248	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles) for a Period of 3 Years	9.4.2010 Approved by RNTPC (3 years)	3, 7, 8, 9, 11, 13, 23 & 26
7.	A/YL-NTM/253	Temporary Container Tractor and Trailer Park for a Period of 3 Years	24.9.2010 Approved by RNTPC (3 years)	3, 4, 7, 8, 9, 13, 16 & 27
8.	A/YL-NTM/257	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Private Cars and Container Vehicles) for a Period of 5 Years	28.1.2011 Approved by RNTPC (5 years)	4, 6, 7, 8, 9, 13, 15, 16 & 28
9.	A/YL-NTM/258	Temporary Container Tractor/Trailer Park for a Period of 3 Years	28.1.2011 Approved by RNTPC (3 years)	3, 4, 9, 7, 8, 13, 16, 28 & 29
10.	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)	3, 6, 7, 8, 9, 11, 13 & 19

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
11.	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)	3, 6, 7, 8, 9, 11, 13, 17 & 18
12.	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)	3, 7, 8, 9, 11, 13, 19 & 28
13.	A/YL-NTM/268	Renewal of Planning Approval for Temporary Container Trailer and Tractor Park for a Period of 5 Years	2.12.2011 Approved by RNTPC (5 years)	3, 7, 8, 9, 13 & 16
14.	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) [revoked on 18.5.2012]	3, 6, 7, 8, 9, 13 & 16
15.	A/YL-NTM/272*	Temporary Cargo Handling and Forwarding Facility, Container Vehicle Park for a Period of 3 Years	4.5.2012 Approved by RNTPC (3 years) [revoked on 14.5.2013]	3, 4, 5, 6, 7, 8, 9, 13, 16 & 22
16.	A/YL-NTM/278	Temporary Container Vehicle Park with Ancillary Office and Storage for a Period of 3 Years	15.3.2013 Approved by RNTPC (3 years)	1, 2, 3, 4, 5, 6, 7, 8 & 9
17.	A/YL-NTM/287	Temporary Public Vehicle Park (Private Car and Container Vehicles) and Ancillary Offices for a Period of 3 Years	5.4.2013 Approved by RNTPC (3 years)	1, 4, 7, 8, 9, 10, 11, 12 & 13
18.	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)	3, 6, 7, 8, 9, 11, 13 & 14
19.	A/YL-NTM/300	Temporary Container Tractor/Trailer Park for a Period of 3 Years	9.5.2014 Approved by RNTPC (3 years)	4, 6, 7, 8, 9, 15 & 16
20.	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]	3, 5, 6, 7, 8, 9, 11, 17 & 18
21.	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)	3, 7, 8, 9, 11, 13 & 19
22.	A/YL-NTM/326*	Temporary Container Vehicle Park with Ancillary Facilities (Including Site Offices and Staff Rest Rooms) for a Period of 3 Years	4.12.2015 Approved by RNTPC (3 years) [revoked on 4.5.2018]	4, 6, 7, 8, 9, 10, 13 & 16
23.	A/YL-NTM/335	Temporary Public Vehicle Park (Including	22.4.2016	3, 4, 5, 6, 7, 8, 9, 13

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
		Private Cars and Container Vehicles) for a Period of 3 Years	Approved by RNTPC (3 years)	& 16
24.	A/YL-NTM/339	Temporary Public Vehicle Park (Private Cars and Container Vehicles) and Ancillary Officers for a Period of 3 Years	14.9.2016 Approved by RNTPC (3 years)	4, 6, 7, 8, 9, 10, 11, 12 & 13
25.	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)	3, 7, 8, 9, 11, 13 & 14
26.	A/YL-NTM/343	Temporary Container Tractor and Trailer Park for a Period of 3 Years	23.6.2017 Approved by RNTPC (3 years)	3, 4, 7, 8, 9, 13 & 16
27.	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)	7, 8, 9, 11, 13, 15 & 20
28.	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)	3, 6, 7, 8, 9, 11, 12, 21 & 22

\*denotes permission revoked

#### Approval Conditions

- (1) The setting back of the site boundary to avoid encroachment on the resumption boundary of Contract No. DC/2007/01 - Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling/the setting back of the site boundary to avoid encroachment on the works limit of the "Drainage Improvement in Northern New Territories - Package A - Drainage Improvement Works in San Tin (Remaining Works)" project.
- (2) A clearance of at least 1.5m from the centerline of the existing water mains at the site should be maintained at all times.
- (3) No night-time operation between 6:00 p.m./7:00 p.m./9:00 p.m./11:00 p.m. and 7:00 a.m./8:00 a.m./9:00 a.m., as proposed by the applicant, was allowed on the site.
- (4) No cutting, dismantling, cleansing, repairing, compacting and/or melting and workshop activity, including container repair and vehicle repair, was allowed on the site.
- (5) The provision of paving and/or fencing of the site.
- (6) The submission of a tree monitoring report and/or the submission and/or the implementation of the landscape proposal and/or tree preservation proposal and/or compensatory planting scheme.
- (7) The submission of a drainage proposal and/or a Drainage Impact Assessment and/or the as-built drainage plan and/or a condition/photographic record of the existing drainage facilities, and/or the provision of drainage facilities and/or the implementation of flood mitigation measures.
- (8) The submission of a fire service installations proposal and/or the provision of fire service installations

and/or the provision of fire extinguisher(s) for the car park areas and converted containers.

- (9) Revocation clause.
- (10) No night-time operation between 11:00 p.m. and 8:00 a.m./between 7:00 p.m. and 7:00 a.m. on Mondays and Saturdays, as proposed by the applicant, was allowed on the site.
- (11) No operation between 5:00 p.m./6:00 p.m. and 8:00 a.m./10:00 a.m. and/or between 7:00 a.m./8:00 a.m. and 10:00 a.m. and/or between 5:00 p.m./6:00 p.m. and 11:00 p.m. on Sundays or public holidays, as proposed by the applicant, was allowed on the site.
- (12) No vehicle without valid license issued under the Road Traffic Ordinance was allowed to be parked/stored on the site.
- (13) The existing trees and/or fencing and/or drainage facilities and/or landscape planting and/or vegetation within the site and/or a proper vehicular access/run-in between the site and the public road should be preserved and/or maintained at all times.
- (14) No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site at any time.
- (15) No night-time operation between 7:00 p.m./11:00 p.m. and 7:00 a.m./8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site.
- (16) No operation on Sundays and/or public holidays and/or after 1:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the site.
- (17) The stacking height of the containers stored within 5m of the peripheral of the site should not exceed the height of the boundary fencing.
- (18) The stacking height of containers stored at any other location within the site should not exceed 7/8 units at any time.
- (19) Vacation of the site at the time of the Northern Link railway development.
- (20) The submission of a proposal for buffer area/the provision of the buffer area within the application site fronting Kwu Tung Road.
- (21) No storage of cement, sand, chemical products and dangerous goods as proposed by the applicant, is allowed on the site.
- (22) No vehicle queuing and no reverse movement of vehicles on public road/no reversing of vehicles into or out from the site is allowed.
- (23) No night-time operation between 6:00 p.m./11:00 p.m. and 8:00 a.m./9:00 a.m. on weekdays and/or between 1:00 p.m. to 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site.
- (24) The implementation of the traffic management measures including construction of passing bays and installation of traffic signs from Ka Lung Road to the site, as proposed by the applicant.
- (25) The submission and/or the implementation of vehicular access proposals including swept path analysis for the site.
- (26) Only one ingress/egress point via Shek Wu Wai Road, as proposed by the applicant, was allowed and/or the ingress/egress gate of the application site should be set back to permit at least one vehicle waiting in front of the gate without occupying the spaces of public road and footway outside the gate at all times.

- (27) The applicant should vacate the site at the time of railway development upon request and at no cost to the Government.
- (28) The submission and/or the implementation of a proposal for providing a run-in.
- (29) No parking of container tractor/ trailer exceeding 20-feet, as proposed by the applicant, was allowed on the site.

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Main Reasons for Rejection</u></b>
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	30 & 31
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	30 & 31
3.	A/YL-NTM/265	Proposed Container Vehicles and Goods Vehicles Repair Yard	2.9.2011 Rejected by RNTPC	30 & 31
4.	A/YL-NTM/289	Temporary Cargo Handling and Forwarding Facilities, Warehouse, Container Vehicle Park with Ancillary Office for a Period of 3 Years	19.4.2013 Rejected by RNTPC	30 & 31
5.	A/YL-NTM/292	Temporary Cargo Handling, Forwarding Facility and Container Vehicle Park for a Period of 3 Years	28.3.2014 Rejected by TPB upon review	30, 31 & 32

**Rejection Reasons**

- (30) 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, and/or that the bridge providing access to the site was structurally safe.
- (31) Not in line with TPB PG-No.13E in that there were adverse departmental comments and objections from local residents on environmental and/or flooding and/or traffic ground(s).
- (32) Four previous planning permissions granted to the applicant under applications No. A/YL-NTM/217, 237, 241 and 272 are revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliance would set an undesirable precedent for other similar planning applications for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.



**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) shorter compliance periods are imposed to monitor the progress of the compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues related to the development with the concerned owner(s) of the Site;
- (d) to note DLO/YL, LandsD's comments should planning approval be given to the application, the STW/STT holders will need to apply to LandsD for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to LandsD for permitting the structures to be erected or to regularize any irregularities on site, if any. 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 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 LandsD;
- (e) 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 are not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Should the applicant be approved, the following condition should be incorporated:  

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (f) to note CHE/NTW, HyD's comments that the proposed run-in may affect the sloping area along Kwu Tung Road. If the proposed run-in is agreed by TD, the construction details of the run-in should be submitted to the relevant authority for approval to ascertain that the slope stability will not be impaired. The applicant should construct a run in/out at the access point at Kwu Tung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The detail design of the run-in/out should be submitted to HyD for agreement before commencement of any works. HyD does not and will not maintain any access connecting the Site and San Tam Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains;
- (g) to note DEP's comments that the applicant shall follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued

by DEP;

- (h) to note DAFC's comments that there are some mature trees on GL along the eastern boundary of the Site. Should the application be approved, the applicant is reminded that the proposed use should not damage or interfere with these trees on GL;
- (i) to note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The applicant should also be advised on the following points:
  - (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.

The applicant is reminded that 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;

- (j) to note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person 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 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 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) Regulation (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 CE/MN, DSD's comments that should the application be approved, the applicant should be advised on the following:
  - (i) he notes that the applicant obtained approval on the drainage proposal under previous planning application no. A/YL-NTM/326 which was later revoked in May 2018. The present application should be processed as a new application. The drainage information submitted by applicant (attached in the Planning Statement at Appendix Ia) is considered insufficient. In this respect, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at [http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submissi](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submissi)

on.pdf). Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;

(ii) after completion of the required 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;

(iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;

(iv) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;

(v) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;

(vi) 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; and

(vii) 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; and

- (l) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re-provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. The project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re-provisioned facilities to FEHD. Proper license and/or permit issued by FEHD is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

