

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/YL-NTM/323*	Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard for a Period of 3 Years [revoked on 7.9.2017]	7.8.2015 Approved by RNTPC (3 Years)	1, 2, 3, 4, 5, 6 & 7
2.	A/YL-NTM/370	Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard for a Period of 3 Years	6.7.2018 Approved by RNTPC (3 Years)	2, 3, 5, 6, 7, 8, 9, 10 & 11

*denotes permission revoked

Approval Conditions

- (1) No medium or heavy goods vehicle (exceeding 5.5 tones) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site.
- (2) No operation between 7:00 p.m. and 9:00 a.m. on Mondays and Saturdays, as proposed by the applicant, is allowed on the site.
- (3) No operations on Sundays and public holidays, as proposed by the applicant, are allowed on the site.
- (4) The fencing implemented on the site should be maintained properly at all times.
- (5) The submission and implementation of landscape proposal.
- (6) The submission and implementation of drainage proposal.
- (7) The submission and implementation of fire service installations proposal.
- (8) Only private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to park on the site at any time.
- (9) Only hand tools will be used for vehicle stripping, and no stripping or compaction machine shall be used on site at any time.
- (10) No vehicle is allowed to queue back to or reverse onto/from the site at any time.
- (11) The provision of boundary fencing on the site.

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

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, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11
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, 4, 5, 7, 8, 9, 10 & 11
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, 4, 7, 8, 10, 11 & 12
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) [revoked on 19.12.2010]	3, 4, 7, 8, 9, 10, 11 & 13
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)	3, 4, 7, 8, 9, 10, 11 & 13
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)	3, 4, 5, 7, 8, 9, 10 & 11
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)	3, 4, 7, 8, 10, 11, 13 & 14
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) [revoked on 18.5.2012]	3, 4, 7, 8, 9, 10 & 11
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)	3, 4, 7, 8, 9, 10, 11 & 15
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)	3, 4, 5, 7, 8, 9, 10 & 11

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
			[revoked on 6.12.2014]	
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)	3, 4, 7, 8, 10, 11 & 13
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)	3, 4, 7, 8, 10, 11 & 15
13.	A/YL-NTM/348	Temporary Public Vehicle Park (Including Container Vehicles) and Ancillary Tyre and Repairing for a Period of 3 Years	8.12.2017 Approved by RNTPC (3 years)	3, 4, 7, 8, 10, 11 & 16
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)	3, 4, 8, 9, 10, 11, 17, 18 & 19

*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 – Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling.
- (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 9:00 p.m. / 11:00 p.m. and 7:00 a.m. / 8:00 a.m. / 9:00 a.m. was allowed on the site.
- (4) No operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. and/or 5:00 p.m. / 6:00 p.m. and 11:00 p.m. and between 7:00 a.m. / 8:00 a.m. and 10:00 a.m. / 11:00 a.m. and/or after 1:00 p.m. on Saturdays was allowed on the site.
- (5) The stacking height of the containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time and/or the stacking height of containers stored at any other locations within the site should not exceed 7 or 8 units at any time.
- (6) No cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site.
- (7) Existing fencing and/or landscape planting and/or trees and/or implemented drainage facilities and/or paving of the site should be maintained at all times.
- (8) The submission of a condition record of the existing drainage facilities on site and/or the submission and/or implementation of drainage impact assessment and/or flood mitigation measures and/or as-built drainage plan.

- (9) The submission and/or implementation of compensatory planting scheme and/or landscape proposal and/or tree preservation proposal.
- (10) The submission of fire service installations (FSIs) proposals and/or the provision of FSIs and/or fire extinguisher(s).
- (11) Revocation clause.
- (12) The submission and implementation of vehicular access proposals including swept path analysis for the site.
- (13) Vacation of the site at the time of the Northern Link railway development.
- (14) The submission and implementation of run-in proposal.
- (15) No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site.
- (16) The submission of proposal for buffer area and/or the provision of the buffer area.
- (17) No storage of cement, sand, chemical products and dangerous goods as proposed by the applicant, is allowed on the site.
- (18) No vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site and/or no vehicle queuing and no reverse movement of vehicles on public road is allowed.
- (19) The provision of fencing on the site.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</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	20 & 21
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	20 & 21
3.	A/YL-NTM/265	Proposed Container Vehicles and Goods Vehicles Repair Yard	2.9.2011 Rejected by RNTPC	20 & 21

Rejection Reasons

- (20) Not in line with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" in that there was adverse departmental comments regarding the possible adverse environmental impacts on the sensitive receivers in the vicinity of the site and/or the adverse drainage impact on the adjacent areas, and/or traffic obstruction caused by queuing of container trucks/heavy vehicles in the vicinity of Shek Wu Wai Road and Castle Peak Road near Mai Po Tsuen.
- (21) No technical assessment had been submitted to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas and/or no information in the submission to demonstrate that these impacts could be adequately addressed.

Recommended Advisory Clauses

- (a) the planning permission is given to the development/uses under application. It does not condone any other development/uses which currently exist on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) to resolve any land issues related to the development with the concerned owner(s) of the Site;
- (c) to note DLO/YL, LandsD's comments that the STT/STW holders will need to apply to LandsD for modification of the STT/STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. The lot owner(s) of the lot(s) without STW will need to apply to LandsD for permitting the structures to be erected or 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. Applications 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 applications will be approved. If such applications are 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;
- (d) to note C for T's comments that the land status of the local access road should be clarified with 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;
- (e) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note CE/RD 2-2, RDO, HyD's comments that the Site falls within the area of influence (AOI) of the proposed Northern Link (NOL) which is a recommended railway scheme under the Railway Development Strategy 2014 (RDS-2014). Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the proposed NOL. The applicant should review its planning in view of the above requirement, and contact Ms. Veronica Choi (Tel: 2688 1602) of MTR Corporation Limited regarding the planning of the proposed NOL;
- (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 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 FSI's 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;

- (i) to note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorized building works (UBW) under the 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 works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings 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 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) 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;
- (j) to note CE/MN, DSD's comments that the applicant should be advised on the following:
- (i) he notes that the Site is related to previous application No. A/YL-NTM/370. However, the previous application is with a smaller site area submitted by a different applicant. Therefore, it should be processed as a new case. 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_Submission.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 proposal/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;
- (k) to note CE/C, WSD's comments that existing water mains will be affected. A waterworks reserve within 1.5m from the centerline of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all time for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains. 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;
- (l) to note C of P's comments that no obstruction caused to the vicinity would be tolerated; and
- (m) to note DFEH's comments that 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.

