

**Previous s.16 Application covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/DPA/YL-PH/26	Open Storage of Timber	24.6.1994 [on review]	(1), (2), (3), (4), (5)
2	A/DPA/YL-PH/32	Open Storage of Vehicles	17.6.1994	(3), (4), (6)
3	A/YL-PH/57	Open Storage of Vehicles	18.10.1996	(1), (3), (4), (5), (7)
4	A/YL-PH/106	Open Storage of Private Cars for Re-export	8.8.1997	(3), (4), (5)
5	A/YL-PH/147	Open Storage of Private Cars for Re-export	5.12.1997	(3), (4), (5), (8)

**Approval Conditions**

- (1) The provision of a vehicular access, on-site parking and loading/unloading facilities
- (2) The erection of a 3-metre high solid boundary wall and provision of noise mitigation measures
- (3) The provision of stormwater/ drainage facilities
- (4) The submission of landscaping proposals
- (5) The permission shall cease on a specific date unless prior to the specific date either the development hereby permitted is commenced or the permission is renewed.
- (6) Submission/implementation of car parking layout
- (7) Paving of the site to minimize dust impact of vehicular movement
- (8) Setting back of the site to avoid encroaching onto Government land

### Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/DPA/YL-PH/27	Open Storage of Vehicles	4.2.1994	(1), (2), (3), (4)

### Main Rejection Reasons

- (1) Not in line with the planning intention for the area which is to preserve and encourage agricultural activities and to encourage the upgrading of existing temporary structures through reconstruction with permanent materials with a view to improving the environment
- (2) Insufficient information on parking and loading/unloading facilities has been included in the submission
- (3) The vehicular access is not acceptable as it is too close to road junctions on the other side of Fan Kam Road
- (4) No landscaping proposals have been included in the submission

**Appendix III of RNTPC  
Paper No. A/YL-PH/773**

**Detailed Comments from the Chief Town Planner/Urban Design and Landscape,  
Planning Department (CTP/UD&L, PlanD)**

Comments on the submitted landscape proposal:

1. The applicant is reminded that minimum 3m clearance should be maintained between the proposed trees and structures.
2. Drainage provision shall be indicated on plan. A minimum distance of 1m should be maintained between the proposed trees and drainage provision.
3. Please be reminded that all proposed trees should be planted at grade of min. 1m(W) x 1m(L) x 1.2m(soil depth) and supported with tree stakes for healthy establishment of the trees.



**Good Practice Guidelines for Open Storage Sites**

		Internal access for fire appliances	Lot boundaries (clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks: Smoking and naked flame activities shall not be allowed within the open storage/recycling site.



**Advisory Clauses**

- (a) resolve any land issue relating to the development with other concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments 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. No permission is given for occupation of Government Land (GL) (about 226m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Fan Kam Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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 the LandsD;
- (c) note CE/NTW, HyD's comments that the applicant should construct a run in/out at the access point at Fan Kam 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. Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains;
- (d) follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites" issued by DEP;
- (e) note CTP/UD&L, PlanD's comments at **Appendix III** of the RNTPC paper;
- (f) note CE/C, WSD's comments that existing water mains will be affected. A Waterworks Reserve within 1.5m from the centreline of the water mains shown in **Plan A-2** of the RNTPC paper shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purpose. 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 construction, inspection, operation, maintenance and repair works. All other services across, through or under the Waterworks Reserve are required to seek authorization from the Water Authority. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on **Plan A-2** of the RNTPC paper. The developer shall bear the cost of any necessary diversion works affected by the proposed development. 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) note D of FS' 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 layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage should be adhered to (**Appendix III** of RNTPC paper). To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his office. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) note DEMS's comments that in the interests 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 under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans 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;
- (i) 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 unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned 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 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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; and
- (j) note DFEH's comments that if any 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. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD. if FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc., is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be



provided. Proper licence/ 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 other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

