


Previous s.16 Applications

Approved Application

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
IDPA/NE-KTN/4	Warehouse for Storage of Building Materials & Ironmongeries	4.7.1991 (on Review)	4, 7, 9
A/DPA/NE-KTN/7	Warehouse for Storage of Building Materials & Ironmongeries	14.8.1992	4, 7, 9
A/NE-KTN/135	Temporary Open Storage of Ironmongeries, Scrap Metal, Building Materials, Wastes, Miscellaneous Items and a Movable Container for a Period of 3 Years	5.6.2009 (Revoked on 5.12.2009)	1, 2, 6, 7, 8, 9
A/NE-KTN/152	Temporary Open Storage of Ironmongeries, Scrap Metal and Waste, Steel and Building Materials and Miscellaneous Items and an Ancillary Office for a Period of 3 Years	30.3.2012 (Revoked on 11.5.2012)	1, 2, 3, 5, 6, 7, 8, 9
A/NE-KTN/158	Temporary Open Storage of Metal and Steel, Scrap Metal and Materials, Construction Materials and Miscellaneous Objects and Office for a Period of 3 Years	5.10.2012	1, 2, 3, 5, 6, 7, 8, 9
A/KTN/17	Temporary Warehouses and Open Storage of Metal and Steel, Scrap Metal and Materials, Construction Materials and Miscellaneous Objects and Office for a Period of 3 Years	21.8.2015 (Revoked on 21.2.2018)	1, 2, 3, 5, 6, 7, 8, 9
A/KTN/25	Temporary Warehouses, Open Storage of Metal and Steel, Scrap Metal and Materials, Construction Materials and Miscellaneous Objects and an Ancillary Office for a Period of 3 Years	13.5.2016	1, 2, 3, 5, 6, 7, 8, 9

Approval Conditions

1. No night time operation between 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period/ no night time operation between 5:30 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period/ no operation on Sundays and public holidays was allowed on the application site during the planning approval period
2. The stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence during the planning approval period

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3. No medium/heavy goods vehicles, as proposed by the applicant, were allowed to enter/exit the application site/ no heavy goods vehicle exceeding 24 tonnes, as proposed by the applicant, is allowed to enter/exit the site
 4. The provision of vehicular access, parking, loading and unloading spaces
 5. No workshop activities should be carried out within the application site
 6. The emergency vehicular access leading to the warehouses adjacent to the application site under the previously approved application should be kept clear of stored materials during the approval period/ the approved Emergency Vehicular Access within the application site should not be obstructed during the planning approval period;
 7. The provision of drainage facilities/ the existing drainage facilities on the application site should be properly maintained during the approval period and rectified if found inadequate/ineffective during the planning approval period/ the submission of a condition survey with photographic records of the existing drainage facilities on site as previously implemented on the same site
 8. The submission of proposals for fire service installations and water supplies/ the provision of fire service installations and water supplies for fire fighting/ the provision of fire extinguishers
 9. The submission and implementation of landscaping/tree preservation proposals

Similar s.16 Applications

Rejected Applications

Application No.	Proposed Developments	Date of Consideration	Rejection Reasons
A/NE-KTN/97	Proposed Temporary Storage/Open Storage of Construction Materials and Miscellaneous Items for a Period of 3 Years	11.4.2003 (on Review)	R1, R2, R3, R4 & R5
A/NE-KTN/150	Temporary Open Storage of Personal Miscellaneous Items for a Period of 3 Years	23.3.2012 (on Review)	R1, R2, R4, R6, R7, R8

Rejection Reasons

- R1 Part of the application site fell within an area zoned "Agriculture" ("AGR"). The planning intention of the "AGR" zone was to retain and safeguard good-quality agricultural land and to retain fallow arable land with good potential for rehabilitation. The application site was classified as "good" grading agricultural land and there were active agricultural activities in the vicinity. No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis.
- R2 Part of the application site fell within an area zoned "Green Belt" ("GB"). The planning intention of the "GB" zone was to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development within the "GB" zone. No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis.
- R3 The application site was located in the immediate vicinity of some domestic structures, orchards, active and fallow agricultural land and ponds. To its immediate south was a permitted burial ground. The use under application was considered not compatible with the surrounding uses.
- R4 The application site was located in the vicinity of the Long Valley. There was no information in the submission to demonstrate that the proposed development would not have any adverse impact on the ecological value of the area.
- R5 The access road leading to the application site was a village track which was not suitable for heavy goods vehicles. There was also insufficient information in the submission to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.

- R6 The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there was no previous planning approval granted to the application site and no technical assessment/proposals were submitted to demonstrate that the proposed uses would not generate adverse landscape and ecological impacts on the surrounding areas, and there were adverse departmental comments and local objection against the application.
- R7 The application did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No.10) in that there was a general presumption against development and there was no exceptional circumstances which warranted the approval of the current application, and the proposed development would affect existing mature trees in the vicinity and cause adverse landscape impacts on the surrounding area.
- R8 The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such application would result in general degradation of the environment and undermined the integrity of the "GB" zone.

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Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
- (i) the Site comprises Lot No. 542 S.A RP in D.D. 92. The lot is an Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access;
 - (ii) the applicant should make his/her own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
 - (iii) a Short Term Waiver ("STW") No. 1070 was issued to the Lot for the purpose of warehouse for the storage of building materials and ironmongeries. The total permitted site coverage of the structures erected on the lot shall not exceed 339m²;
 - (iv) the total built-over area (BOA) of the structures erected on the application lot is larger than that of permitted one as stipulated in STW No. 1070;
 - (v) the structures which are of the excessive BOA are not acceptable under the Lease concerned and the terms and conditions of STW No. 1070. His office reserves the right to take enforcement actions against the unauthorized structures; and
 - (vi) the owner of the concerned lots shall apply to his office to revise the permitted BOA of the existing STW. The application for revision of the excessive BOA will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the application for revision is approved, its commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.
- (b) to note the comments of Comments of the Commissioner for Transport (C for T) that the local track leading to the Site is not managed by his department. The applicant should clarify the land status, management and maintenance responsibilities of the local track with relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that there is an unallocated Government land (UGL) which is not maintained by HyD between the ingress/egress of the Site and Castle Peak Road – Kwu Tung. If the applicant is required to gain access from this UGL to the Site, the applicant should sort out the access issue with the land authority;
- (d) To note the comments of the Director of Environmental Protection that:
- (i) *it is the applicant's responsibility to ensure the existing septic tank is in good operating condition and there is no discharge of effluent from the Site. The applicant is reminded that discharge of effluent from the Site, if any, is subject to*

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control under the Water Pollution Control Ordinance, and public sewerage should be used when available and a discharge licence shall be applied for. The Authority may send a notice to the owner of premises requiring that all wastewater produced from the premises be conveyed to a terminal manhole for connection to the public sewer; and

- (ii) the applicant is advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.
- (e) to note the comments of Director of Fire Services that the applicant should submit relevant layout plans incorporated with proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs should be clearly marked on the layout plan; and good practice guidelines for open storage should be adhered to. If the proposed structure(s) is required to comply with the Building Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
 - (i) the temporary converted containers for site office/storage are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent from the BD should be obtained, otherwise they are UBWs. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the B(P)R respectively; and
 - (iv) detailed comments under the BO will be provided at building plan submission stage.

