

**Previous s.16 Applications**

**Approved Applications**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KTN/93	Proposed Temporary Container Trailer/Tractor Park for a Period of 3 Years	8.11.2002 (Revoked on 20.3.2003)	A1 – A6
A/NE-KTN/101	Temporary Container Trailer/Tractor Park for a Period of 3 Years	27.6.2003 (Revoked on 12.3.2004)	A1, A2, A4-A6
A/NE-KTN/108	Temporary Container Trailer/Tractor Park for a Period of 3 Years	30.7.2004	A1 – A6
A/NE-KTN/121	Renewal of Planning Approval for Temporary Container Trailer/Tractor Park for a Period of 3 Years	13.7.2007	A1 – A7
A/NE-KTN/140	Renewal of Planning Approval for Temporary Container Tractor/ Trailer Park for a Period of 3 Years	25.6.2010	A1 – A6, A8
A/NE-KTN/167	Renewal of Planning Approval for Temporary Container Tractor/Trailer Park for a Period of 3 Years	5.7.2013	A1 – A8
A/KTN/27	Renewal of Planning Approval for Temporary Container Tractor/Trailer Park for a Period of 3 Years	24.6.2016	A1 – A6, A8

**Approval Conditions:**

- A1 The operating hours of the application site should be restricted to 8:00 a.m. to 9:00 p.m./ no operation on Sundays and public holidays was allowed on the application site
- A2 The submission of access road proposals leading to the application site and the junction to Ho Sheung Heung Road/ the implementation of access road proposals/ the existing access road should be managed and maintained
- A3 The provision/ maintenance of proper site paving and peripheral fencing
- A4 The submission/ implementation/ maintenance of noise impact assessment
- A5 The submission/ implementation/ maintenance of landscaping and tree preservation proposals
- A6 The submission/implementation/maintenance of drainage proposals/ the submission of a

condition record of the existing drainage facilities/ the existing drainage facilities should be properly maintained and rectified if they were found inadequate/ineffective

- A7 The submission of a Traffic Impact Assessment/ the implementation of mitigation measures identified in the approved Traffic Impact Assessment
- A8 The submission/implementation of proposals for fire service installations

**Similar s.16 Applications**

**Approved Applications**

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/KTN/16	Temporary Medium Goods Vehicle and Container Tractor/Trailer Park for a Period of 3 Years	6.11.2015	A1 – A4
A/KTN/53	Renewal of Planning Approval for Temporary Medium Goods Vehicle and Container Tractor/Trailer Park for a Period of 3 Years	2.11.2018	A1 – A5
A/KTN/60	Temporary Container Vehicle Park (including Light and Heavy Goods Vehicles) for a Period of 3 Years	17.5.2019	A1, 3, 4, 5, 6

**Approval Conditions:**

- A1 No night time operation between 7:00 p.m. and 8:00 a.m./ no operation on Sundays and public holidays is allowed /No operation between 9:00 p.m. and 8:00 a.m.
- A2 The existing 3m high fence on the site should be properly maintained/ the existing peripheral fencing and the installed gate shall be maintained
- A3 The existing drainage facilities should be properly maintained and rectified/ the submission of a conditional record of the existing drainage facilities
- A4 All existing trees and landscape plantings should be maintained/ the submission of a tree preservation and landscape proposal / the implementation of the tree preservation and landscape proposal
- A5 The submission of proposals for fire service installations and water supplies for firefighting/ the provision of fire service installations and water supplies for firefighting
- A6 No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period



**Advisory Clauses**

- (a) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) as follows:
- (i) the Site comprises Lot Nos. 868(Part), 869, 870, 871 (Part), 872, 873 and 874 in D.D. 95. The lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land (GL) will be allowed for the vehicle access of the proposed use;
  - (ii) the actual occupation boundary does not tally with that of the Site;
  - (iii) the existing structures on the Site were erected without approval from his office, and they are not acceptable under the Leases concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
  - (iv) the GL adjacent to the Site is fenced off by hoardings, and being occupied without approval from his office. It was not acceptable and the applicant should cease the illegal occupation and remove those hoardings at its own cost. His office reserves the right to take land control actions against the unauthorized occupation of GL;
  - (v) the Site may be affected by the limits of (i) Railway Protection Plan Boundary – Spur Line Protection Boundary; (ii) Vesting Boundary – East Rail Extension – Sheung Shui to Lok Ma Chau Spur Line; and (iii) Underground Strata Resumption KCRC East Rail Extension Sheung Shui to Lok Ma Chau Spur Line; and
  - (vi) the owner(s) of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to cover all the actual occupation area. The applications for STW and STT will be considered by the Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their 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.
- (c) to note the comments of the Commissioner for Transport (C for T) that the local track leading to the Site is not managed by Transport Department. The applicant should clarify land status, management and maintenance responsibilities of the local track with

the relevant lands and maintenance authorities accordingly;

- (d) to note the comments of the Chief Engineer/Railway Development, Railway Development Office, Highways Department (CE/RD, RDO, HyD) that northern part of the Site falls within the railway protection boundary of the existing Lok Ma Chau Spur Line, the Mass Transit Railway Corporation Limited (MTRCL) shall be consulted with respect to the operation, maintenance and safety of the Lok Ma Chau Spur Line;
- (e) 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 as advised by the Director of Environmental Protection (DEP);
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the condition record to be submitted by the applicant shall include clear photos showing the current conditions of all catchpits and each straight section of the existing drainage facilities, the locations and directions of the photos should be clearly marked on a copy of the drainage plan approved in the previous application;
- (g) to note the comments of the Director of Fire Services (D of FS) that with regard to the Fire Services Installations (FSI) proposal, the layout plan should be drawn to scale and depicted with dimension and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
  - (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Building Ordinance (BO);
  - (ii) any temporary shelters or converted containers for storage/ washroom/ first-aid room/ site office to be erected are considered as temporary building which are subject to control under the Building (Planning) Regulations Pt.VII;
  - (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 Building(Planning) Regulations respectively;
  - (iv) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under the Building (Planning) Regulations 19(3) at building plan submission stage; and
  - (v) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at building plan submission stage.