

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

**Approved Applications**

<b><u>No.</u></b>	<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/YL-NTM/89	Proposed Temporary Open Storage of Brand New Vehicle Parts and Building Materials for a Period of 3 Years	16.6.2000 RNTPC (3 Years)	1, 2, 4 & 10
2.	A/YL-NTM/177	Temporary Container Vehicle Park for a Period of 3 Years	17.12.2004 RNTPC (2 Years)	1, 2 & 6
3.	A/YL-NTM/210	Temporary Public Vehicle Park (Including Container Vehicles) with Ancillary Site Offices for a Period of 3 Years	13.4.2007 Approved by RNTPC (3 Years)	1, 2, 3 & 5
4.	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)	1, 2, 3, 5, 7 & 9
5.	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, 2, 3, 5, 6, 7 & 8
6.	A/YL-NTM/339	Temporary Public Vehicle Park (Private Cars and Container Vehicles) and Ancillary Offices for a Period of 3 Years	14.9.2016 Approved by RNTPC (3 years)	1, 2, 3, 6, 7 & 8

**Approval Conditions**

- (1) The submission and implementation of landscaping proposals/the provision of replacement planting/the existing landscape planting/vegetation on the site/trees within the site should be maintained.
- (2) The submission of a Drainage Impact Assessment (DIA) and the provision of the flood mitigation measures and drainage facilities as proposed in the DIA/the submission of a condition record of the existing drainage facilities on site/the provision of drainage facilities/the existing drainage facilities on the site should be maintained.
- (3) The submission and provision of fire service installations proposals/the provision of a 9-litre water type/3kg powder fire extinguisher for each of the site offices.
- (4) The provision of paving and fencing on the site.
- (5) The setting back of the site boundary to avoid encroachment on the works limit of the "Drainage Improvement in Northern New Territories, Package B, Phase 3 Shek Wu Wai" project/"Drainage Improvement in Northern New Territories - Package A – (Drainage Improvement Works in San Tin (Remaining Works))" project.
- (6) No vehicle washing or repairing activities/no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair was allowed on the site.
- (7) No night-time operation between 11:00 p.m. and 8:00 a.m. on Mondays and Saturdays, and 6:00 p.m. and 8:00 a.m. on Sundays or/and public holidays were allowed on the site.

- (8) No vehicle without valid license issued under <sup>2</sup> the Road Traffic Ordinance was allowed to be parked/stored on the site.
- (9) Only one ingress/egress point via Shek Wu Wai Road was allowed and the ingress/egress gate of the 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.
- (10) The stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence.

**Rejected Application**

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</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	(1) & (2)

**Main Reasons for Rejection:**

- (1) The development was 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".
- (2) No technical assessment had been submitted to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas.

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 (3 Years)	19.6.2009 Approved by RNTPC (3 years) [revoked on 26.8.2011]	1, 5, 8, 10, 12, 13, 15 & 17
2.	A/YL-NTM/232	Temporary Container Storage with Ancillary Office (3 Years)	27.3.2009 Approved by RNTPC (3 years)	1, 5, 6, 6, 7, 9, 10, 12, 13, 15, 17 & 18
3.	A/YL-NTM/233*	Temporary Container Vehicle Park and Container Storage Area with Ancillary Repairing Workshop (3 Years)	27.3.2009 Approved by RNTPC (3 Years) [revoked on 27.6.2011]	1, 5, 6, 9, 10, 13, 12, 15, 17 & 18
4.	A/YL-NTM/237*	Temporary Cargo Handling and Forwarding Facilities for a Period of 3 Years	19.6.2009 Approved by RNTPC (3 years) [revoked on 19.9.2009]	1, 2, 3, 5, 12, 13 & 17
5.	A/YL-NTM/238*	Proposed Temporary Container Vehicle Park with Ancillary Repairing Workshop (5 Years)	10.7.2009 Approved by RNTPC (3 years) [revoked on 10.6.2011]	2, 3, 9, 10, 12, 13, 17, 18, 24 & 25
6.	A/YL-NTM/241*	Temporary Cargo Handling, Forwarding Facilities and Container Vehicle Park (3 Years)	6.11.2009 Approved by RNTPC (3 Years) [revoked on 6.5.2012]	1, 2, 5, 7, 12, 16, 17 & 21
7.	A/YL-NTM/247*	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen (3 years)	19.3.2010 Approved by RNTPC (3 Years) [revoked on 19.12.2010]	1, 2, 5, 10, 12, 13, 17 & 19
8.	A/YL-NTM/253	Temporary Container Vehicle Park (3 Years)	24.9.2010 Approved by RNTPC (3 Years)	5, 10, 12, 13, 15, 17, 19 & 22
9.	A/YL-NTM/257	Renewal of Planning Approval for Temporary Public Vehicle Park ( Including Private Cars and Container Vehicles) (5 Years)	28.1.2011 Approved by RNTPC (5 Years)	1, 5, 12, 13, 14, 15, 15, 17 & 22
10.	A/YL-NTM/258	Temporary Container Tractor/ Trailer Park (3 Years)	28.1.2011 Approved by RNTPC (3 Years)	5, 10, 11, 12, 13, 14, 15, 17, 19 & 22
11.	A/YL-NTM/260	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen (3 years)	4.3.2011 Approved by RNTPC (3 Years)	1, 5, 10, 12, 13, 15, 17 & 19
12.	A/YL-NTM/262	Renewal of Planning Approval for Temporary container storage and container vehicle park with ancillary repairing workshop (3 years)	6.5.2011 Approved by RNTPC (3 Years)	1, 5, 3, 6, 13, 15 & 17

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
13.	A/YL-NTM/266	Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use (3 Years)	19.8.2011 Approved by RNTPC (3 Years)	5, 10, 12, 13, 14, 15, 17 & 19
14.	A/YL-NTM/268	Renewal of Planning Approval of Temporary Container Trailer and Tractor Park (5 Years)	2.12.2011 Approved by RNTPC (5 Years)	5, 10, 12, 13, 15 & 17
15.	A/YL-NTM/269*	Temporary Container Tractor/Trailer Park with Ancillary Repair Areas (3 Years)	6.1.2012 Approved by RNTPC (3 Years) [revoked on 18.5.2012]	1, 5, 12, 13, 15 & 17
16.	A/YL-NTM/270	Renewal of Planning Approval for Temporary Container Storage Site With Ancillary Office (3 Years)	16.3.2012 Approved by RNTPC (3 Years)	3, 5, 6, 9, 10, 12, 13, 15, 17 & 22
17.	A/YL-NTM/272*	Temporary cargo handling, forwarding facilities and container vehicle park (3 Years)	4.5.2012 Approved by RNTPC (3 Years) [revoked on 24.5.2013]	1, 3, 5, 10, 12, 13, 15, 17 & 23
18.	A/YL-NTM/278	Temporary Container Vehicle Park with Ancillary Office And Storage (3 Years)	15.3.2013 Approved by RNTPC (3 Years)	1, 2, 3, 5, 9, 12, 17, 18 & 22
19.	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)	1, 2, 5, 10, 12, 13, 17 & 26
20.	A/YL-NTM/300	Temporary Container Tractor / Trailer Park For a Period of 3 Years	9.5.2014 Approved by RNTPC (3 Years)	1, 2, 5, 12, 13, 17 & 22
21.	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]	1, 2, 5, 6, 10, 12, 13 & 17
22.	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)	2, 5, 10, 12, 13, 17 & 19
23.	A/YL-NTM/323	Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard for a Period of 3 Years	7.8.2015 Approved by RNTPC (3 Years)	1, 2, 5, 10, 12, 13, 17 & 27
24.	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)	1, 2, 5, 10, 12, 13, 17 & 22
25.	A/YL-NTM/335	Temporary Public Vehicle Park ( Including Private Cars and Container Vehicles) for a Period of 5 Years	22.4.2016 Approved by RNTPC (5 Years)	1, 2, 4, 5, 10, 12, 13, 17 & 22
26.	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)	2, 5, 10, 12, 13, 17 & 26

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
27.	A/YL-NTM/343	Temporary Container Tractor and Trailer Park For a Period of 3 Years	23.6.2017 Approved by RNTPC (3 years)	2, 5, 10, 12, 13, 17 & 22
28.	A/YL-NTM/348	Temporary Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use for a Period of 3 Years	8.12.2017 Approved by RNTPC (3 years)	2, 5, 10, 12, 13, 17 & 30

\*denotes permission revoked

#### Approval Conditions

- (1) The submission and implementation of landscaping (and tree preservation)(Compensatory planting scheme) proposals/provision of replacement planting.
- (2) The submission and implementation/provision of drainage proposals/Drainage Impact Assessment (DIA)/flood mitigation measures/the submission of a condition record of the existing drainage facilities.
- (3) The provision/maintenance of paving, and/or fencing, and/or screening to the site.
- (4) The design and provision of vehicular access to the application site.
- (5) Revocation clause
- (6a) The stacking height of the materials/containers stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence.
- (6b) The stacking height of the materials/containers stored at any other location within the site should not exceed 7/8 units at any time.
- (7) No recycling activities and canteen use were permitted at the site.
- (8) The implementation of the traffic management measures including construction of passing bays and installation of traffic signs.
- (9) Setback site boundary to avoid road or drainage or other works project coordinated or implemented by Government departments/encroachment on the works limit of the "Drainage Improvement in Northern New Territories - Package A" project.
- (10) Maintenance of the landscape/landscape planting/existing vegetation/trees/existing drainage facilities/paving or/and fencing/sewerage disposal during the approval period.
- (11) No container trailer/tractor is allowed to be parked on the site.
- (12) No night-time operation / No night-time operation between 6:00p.m./7:00 p.m./11:00 p.m. and 7:00 a.m./8:00 a.m/9:00p.m.
- (13) No operation on Sundays or public holidays / No operation between 5/6 pm and 8/10 am on Sundays or public holidays / No operation between 7 am and 10 am and between 5 pm and 11 pm on Sundays or public holidays.
- (14) The submission and implementation of run-in proposals.
- (15) The submission of a condition record of the existing drainage facilities on site / The submission of a as-built drainage plan.
- (16) The submission of a tree monitoring report.
- (17) The provision of a 9-litres water type/3kg dry powder fire extinguisher/street fire hydrant / The submission and provision/implementation of FSIs proposal.
- (18) A clearance of at least 1.5m from the centerline of the existing water mains.

- (19) Vacation of the site at the time of the development of Government projects/Northern Link railway development.
- (20) Only one ingress / egress point is allowed.
- (21) 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.
- (22) No car washing, cutting, dismantling, melting, cleansing, repairing or other workshop activities.
- (23) No reversing of vehicles into or out from the site is allowed.
- (24) the submission of vehicular access proposals including swept path analysis.
- (25) The implementation of the accepted vehicular access proposal.
- (26) No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site.
- (27) No medium or heavy goods vehicle (exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site / Only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on the site
- (28) No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- (29) A notice should be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked.
- (30) The submission and implementation of a proposal for buffer area within the application 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/254	Temporary Container Tractor and Trailer Park (with Ancillary Repair Activities) (3 Years)	28.1.2011 Rejected by RNTPC	2
2.	A/YL-NTM/263	Temporary Cargo Handling and Forwarding Facility (Logistics Centre) with Ancillary Site Offices for a Period of 3 Years	6.5.2011 Rejected by RNTPC	1 & 2
3.	A/YL-NTM/265	Temporary Container Vehicles and Goods Vehicles Repair Yard	2.9.2011 Rejected by RNTPC	2
4.	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	1, 2 & 3

**Rejection Reasons**

- (1) There is insufficient information/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.
- (2) Not in line with TPB PG-No.13E in that there was adverse departmental comments regarding the possible adverse environmental and/or drainage and/or agricultural and/or traffic impact(s).
- (3) 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.





## 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.



**Recommended Advisory Clauses**

- (a) to resolve any land issues related to the development with the concerned owner(s) of the application site (the Site);
- (b) to 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 prior approval of the Government. A portion of the Government Land (GL) (about 69m<sup>2</sup>) of the Site is covered by a Short Term Tenancy (STT) No. 3113 for the purpose of "Temporary Public Vehicle Park (Private Cars and Container Vehicles) and Ancillary Offices". No permission is given for occupation of the remaining GL of about 3m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of remaining GL without Government's prior approval is not allowed. The Site is accessible to Shek Wu Wai Road through GL only. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, the STT holder will need to apply to his office for modification of the STT conditions if there is any irregularity on site. Furthermore, the applicant has to either exclude the remaining portion of GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by Lands Department 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 of fee, as may be imposed by Lands Department;
- (c) to note CHE/NTW, HyD's comments that the existing vehicular access connecting the Site and Shek Wu Wai Road is not and will not be managed by Highways Department. The proposed access arrangement of the Site from Shek Wu Wai Road should be commented by Transport Department. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note DAFC's comments that there is a watercourse abutting the eastern boundary of the Site. The applicant is advised to adopt appropriate measures to avoid polluting and disturbing the watercourse during operation. There are also some trees adjacent to the Site and the applicant is advised to avoid damaging the trees during operation;
- (e) to note CTP/UD&L, PlanD's comments that the applicant should make reference to the following information/ guideline published by the Greening, Landscape & Tree Management Section, Development Bureau for tree maintenance and new tree planting:
- (i) Pictorial Guide for Tree Maintenance  
([https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf));
  - (ii) Proper Planting Practices  
([https://www.greening.gov.hk/en/tree\\_care/practices.html](https://www.greening.gov.hk/en/tree_care/practices.html));
- (f) to note CE/MN, DSD's comments that drainage proposal submitted by applicant is considered unacceptable from drainage operation and maintenance point of view; the applicant should mark clearly on the drainage plan location(s) of the last manhole(s) and

information of the discharging point and outlet pipe;

- (g) to note D of FS's comments that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department (FSD) for approval. In addition, the applicant should also be advised on (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and (iii) good practice guidelines for open storage (**Appendix IV**) should be adhered to. The applicant is advised to submit a valid fire certificate (FS 251) to FSD for approval to comply with the additional approval condition. The applicant is reminded that 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;
- (h) 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 the Buildings Department (BD), they are unauthorized building works (UBW) under the Building Ordinance (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 the 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 building and land filling) are to be carried out on the Site, prior approval and consent of the 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 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) Regulations 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 Building (Planning) Regulation at the building plan submission stage;
- (i) to note DFEH's comments that if any Food and Environmental Hygiene Department's (FEHD) facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning 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 reprovisioned facilities to FEHD; and 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; and
- (j) to note C of P's comments that no parallel trading/ general merchandise operations (GMO) activities should be undertaken at the Site.