

Previous S.16 Applications

Approved Application

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-FTA/148	Proposed Temporary Asphalt Plant for a Period of 5 Years	12.12.2014	A1 - A6

Approval Conditions

- A1 The provision of boundary fencing on the site
- A2 The submission of drainage impact assessment and the provision of drainage facilities
- A3 The submission of proposals for water supplies for fire-fighting and fire service installations
- A4 The provision of water supplies for fire-fighting and fire service installations
- A5 The submission and the implementation of tree preservation and landscape proposals
- A6 Revocation clause

Rejected Application

Application No.	Proposed Developments	Date of Consideration	Rejection Reasons
A/NE-FTA/123	Proposed Asphalt Plant	4.4.2014	R1 - R2

Rejection Reasons

- R1 The proposed development was not compatible with the planned land uses in the area.
- R2 Approval of the application would jeopardise the land use planning of the area and set an undesirable precedent for similar applications in the area.

Recommended Advisory Clauses

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that in the event of the future renewal of the planning permission, comments from Secretary for Food and Health or DAFC should be sought based on the latest position of the relocation of the existing Cheung Sha Wan Temporary Wholesale Poultry Market and the outcome of its related assessments, including environmental and traffic impact assessments.
- (b) to note the comments of the District Land Officer/North, Lands Department as follows:
- (i) the Site comprises private lots and adjoining Government land. The lots are Old Schedule lots held under the Block Government lease (demised for agriculture use) without any guaranteed right of access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use;
 - (ii) the actual occupation and application boundary do not tally;
 - (iii) the lots are covered by a valid Short Term Waiver (STW) No. 883 for the purposes of (i) a concrete production plant; and (ii) open storage of machinery and equipment with a total site coverage not exceeding 930.5 m²;
 - (iv) the Government land within and adjoining the Site is covered by Short Term Tenancy (STT) No. 641 for the purposes of (i) a concrete/asphalt batching plant; (ii) manufacturing of concrete products; and (iii) open storage of machinery and equipment with a total site coverage not exceeding 81.84 m²; and
 - (v) the owners of the lots and the tenant concerned have submitted applications to his office for modification of the user, terms and conditions of the STW and STT respectively, which are being processed by his office. There is no guarantee that the applications will be approved. If the modifications are approved, they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent for the additional site coverage and administrative fees as considered appropriate by his office. Furthermore, the commencement date will be backdated to the first date of discovery;
- (c) to note the comments of the Commissioner for Transport as follows:
- (i) the access route via the Lin Ma Hang Road (western section) would be widened by Highways Department in future; and
 - (ii) the vehicular access to the Site is via an unnamed local track which is not managed by TD. Its land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the vehicular access leading from Man Kam To Road

to the Site is not under HyD's maintenance purview;

(e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:

(i) the Site is in an area where no public sewer connection is available; and

(ii) the general requirements of a drainage proposal should include:

- surface channel with grating covers should be provided along the site boundary;
- a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and discharge structure shall be provided;
- the cover levels of proposed channels should be flush with the existing adjoining ground level;
- a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
- catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
- the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
- the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
- for those existing drainage facilities to which the applicant proposed to discharge the storm water from the Site not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;

- the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;
- for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
- the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- the applicant shall allow all time free access for the Government and its agent to conduct site inspection on their completed drainage works;
- the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
- photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan;

(f) to note comments of Chief Engineer/Construction, Water Supplies Department as follows:

- (i) the existing water mains within the Site would be affected. The applicant is required to either divert or protect the water mains found on Site;
- (ii) if diversion is required, existing water mains within the Site are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/ applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
- (iii) if diversion is not required, the following conditions shall apply:
 - existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times 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 Water Works Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains;

(g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:

- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (ii) before any new building works (including asphalt plant) are to be carried out on the Site, prior approval and consent of the BD 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 BO;
- (iii) 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 the BO;
- (iv) if the proposed use under application is subject to the issue of a licence, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (v) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively; and
- (vi) if the Site does not abut a specified street of not less than 4.5m wide, the development intensity shall be determined by the Building Authority under B(P)R 19(3) at the building plan submission stage; and

(h) to note the comments of the Director of Food and Environmental Hygiene that the operation of the asphalt plant should not cause any environmental hygiene problems at and in the vicinities of the Site.