

Previous s.16 Application covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/50	“G/IC” and “REC” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Open Storage of Construction Materials and Machinery (1 Year)	19.6.1998 (1 Year)	1, 2, 3
2.	A/YL-HT/92	“G/IC” and “REC” on approved Ha Tsuen OZP No. S/YL-HT/2	Temporary Open Storage of Construction Materials and Machinery (1 Year)	13.8.1999 (1 year)	1, 2, 3
3.	A/YL-HT/793	“G/IC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Office and Container Repair Workshop (1 Year)	24.8.2012 (1 year) (revoked on 24.6.2013)	1, 3, 4, 5, 6, 7, 8, 9, 10
4.	A/YL-HT/858	“G/IC” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office and Container Repair Workshop (1 Year)	27.9.2013 (1 Year) (revoked on 27.6.2014)	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
5.	A/YL-HT/911	“G/IC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Office (3 Years)	31.10.2014 (1 Year)	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
6.	A/YL-HT/992	“G/IC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Warehouse for Storage of Vehicles and Open Storage of Vehicles (3 Years)	8.1.2016 (3 Years) (revoked on 8.4.2017)	1, 3, 4, 7, 8, 10, 12, 13, 14, 15, 16
7.	A/YL-HT/1073	“G/IC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Warehouse for Storage of Miscellaneous Goods (3 Years)	14.7.2017 (3 Years)	1, 3, 4, 7, 8, 10, 12, 13, 14, 15, 16

Approval Condition(s):

- 1 The submission and/or implementation of tree preservation and/or landscaping proposals.
- 2 The provision of flood mitigation/ flood mitigation measures and drainage facilities.
- 3 Reinstatement clause.
- 4 No night-time operation and/or no operation on Saturdays/Sundays and public holidays.
- 5 No handling (including loading, unloading and storage) of batteries or electrical/electronic appliances/materials/wastes, computers/computer parts, cathode-ray tubes(CRT), CRT computer monitors/television sets and CRT equipment on the site.
- 6 The implementation of drainage facilities as proposed in the accepted Drainage Impact Assessment/ drainage proposal.
- 7 The submission and/or implementation of FSIs proposals.
- 8 Revocation clauses.
- 9 No stacking of containers exceeding 8 units within the site.

- 10 No vehicle is allowed to make use of Ha Tsuen Road or except the portion commencing to Kong Sham Western Highway when accessing/leaving the site.
- 11 The provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
- 12 No vehicle is allowed to queue back to public road or reverse onto/from the public road during the planning approval period.
- 13 No repairing, assembling, cutting, dismantling, cleansing repairing, compacting, unpacking, vehicle repair and workshop activity is allowed.
- 14 The provision of fencing.
- 15 The maintenance of the existing drainage facilities.
- 16 The submission of the condition record of the existing drainage facilities.

Rejected Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
8.	A/YL-HT/200	“G/IC” and “REC” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction machinery and materials (3 Years)	15.6.2001 (Rejected on Review on 12.10.2001)	1
9.	A/YL-HT/702	“G/IC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Office (3 Years)	14.1.2011	2, 3

Rejection Reason:

- 1 There is insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impact on the surrounding areas.
- 2 The proposed development was not in line with the planning intention of the “G/IC” zone which was intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis.
- 3 The proposed development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on the drainage and environmental aspects, and the development would have adverse drainage and environmental impacts on the surrounding areas. No technical assessment had been included in the submission to address such adverse impacts.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Scheduled 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. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D. 125	STW	Purposes
515 RP	4996	Temporary Warehouse for Storage of Miscellaneous Goods
516, 518, 519 & 520	4997	
517	4998	

The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) 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. The Site is accessible from Ha Tsuen Road through GL only. His office provides no maintenance works over the GL involved and does not guarantee any right-of-way to the Site;

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ha Tsuen Road;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings 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 the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator 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) Regulation (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;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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 FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of HSK/HT NDA. According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within sites under Advance Works Phase 3. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.