

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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Applied Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-HT/7	Temporary open storage of containers (3 years)	29.11.1996 by TPB (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/46	Temporary open storage of containers (3 years)	20.11.1998 by TPB (revoked on 20.5.1999)	1, 3, 4, 6, 7
3.	A/YL-HT/222	Proposed temporary open storage of containers (3 years)	1.2.2002 by TPB	4, 6, 7, 8, 12, 24
4.	A/YL-HT/379	Temporary open storage of containers (3 years)	18.3.2005	6, 7, 8, 12, 14, 22, 23
5.	A/YL-HT/532	Renewal of planning approval for temporary open storage of containers (3 years)	7.3.2008	7, 8, 12, 14, 15, 18, 22, 23
6.	A/YL-HT/717	Renewal of planning approval for temporary open storage of containers (3 years)	18.3.2011	1, 7, 8, 12, 14, 16, 18, 22
7.	A/YL-HT/829	Proposed temporary precast building fabrication workshop with ancillary open storage, warehouse and office (3 years)	25.10.2013 (revoked on 25.11.2015)	4, 7, 8, 11, 14, 25, 26
8.	A/YL-HT/1047	Proposed temporary open storage of construction material with ancillary site office (3 years)	30.9.2016	1, 4, 8, 11, 14, 25, 27

**Approval Conditions:**

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of Noise Impact Assessment and provision of noise mitigation measures.
- 4 The submission of Drainage Impact Assessment/drainage proposals and/or implementation of drainage proposals and/or provision of drainage facilities.
- 5 The submission of Traffic Impact Assessment and implementation of traffic improvement measures.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 No storage or parking of container vehicles or heavy goods vehicles.
- 10 No car/vehicle dismantling and/or repairing and/or workshop activity.
- 11 The provision of fencing.
- 12 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 13 The setting back of the eastern boundary of the site to avoid encroachment upon the proposed resumption area of the project of 'Yuen Long and Kam Tin Sewerage and Sewage Disposal' of PWP Item No. 235DS as when required.
- 14 The provision of a 9-litre water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations (FSIs) proposal or the provision of FSIs.
- 15 No stacking of materials within 5m of the periphery of the site.
- 16 The stacking height of containers stored should not exceed 8 units.
- 17 No vehicle is allowed to access the site through the existing ingress/egress at the southwestern boundary.

- 18 No cutting, welding and major dismantling work.
- 19 No vehicle was allowed to be parked/stored at the vehicle holding area from 8:00 p.m. to 8:00 a.m.
- 20 Only vehicles of weight less than 5.5 tonnes is allowed to be stored at the site.
- 21 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 22 Maintenance and the submission of a condition record of the existing drainage facilities.
- 23 Maintenance and the existing landscape planting.
- 24 Submission/implementation of environmental mitigation measures.
- 25 No vehicle is allowed to queue back to public road or reverse onto/from the public road at any time.
- 26 The provision of noise mitigation measures.
- 27 The submission and/or implementation of run-in/out proposals.

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Applied Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-HT/22	Temporary open storage of containers with repair workshop (3 years)	6.12.1996	1-3
2.	A/YL-HT/188	Temporary Flea Market (5 years)	16.2.2001	4-8

- 1 There is insufficient information in the submission to demonstrate that the subject development will not aggravate the traffic condition along Ping Ha Road.
- 2 There is no information in the submission to demonstrate that the subject development will not pose road safety hazard to the road users since Ping Ha Road is a sub-standard narrow road which is not designed for vehicles use.
- 3 The approval of the application will set an undesirable precedent for similar applications.
- 4 The development of a flea market is incompatible with the adjoining container yard which would pose safety problem to visitors of the flea market.
- 5 There is insufficient information in the submission to demonstrate that the development of a flea market would not aggravate the traffic condition along Ping Ha Road and would not pose adverse traffic safety impact on pedestrians in the surrounding areas.
- 6 There is insufficient information in the submission to demonstrate that appropriate access arrangement and carparking layout would be provided for the development of a flea market.
- 7 There is insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.
- 8 The approval of the application would set an undesirable precedent for similar applications in the area, which would have cumulative adverse traffic and safety impacts and create nuisance to the nearby areas.

**Advisory clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of 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 (LandsD) 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 the prior approval of the Government. The private land of Lots Nos. 1808 RP and 1809 both in D.D. 125 is currently covered by Short Term Waiver (STW) No. 4822 to permit structures for the purpose of “Temporary Open Storage of Construction Material with Ancillary Site Office”. The Site is accessible to Ping Ha Road through Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within any Shek Kong Airfield Height Restriction Area. The STW holder will need to apply to her office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lots without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by 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 LandsD;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement should be commented by TD. Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (f) to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should

consult DLO/YL and seek consent from the relevant owners for any works to be carried outside his lot boundary before commencement of the drainage works;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) 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. 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. The Site shall be provided with means of obtaining access thereto from a street and emergency 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 comments of the Director of Fire Services (D of FS) that 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 are 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The concerned lot(s) falls within a site under Stage 3 Works stage. 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 NDA expected in 2024; and
- (k) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site.

They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.