

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/316	Temporary open storage of construction materials, construction equipment and workshop (3 years)	15.8.2003 (3 years)	1, 2, 3, 4
2.	A/YL-HT/492	Temporary open storage of wastes (metal and plastic) (3 years)	22.6.2007 (3 years)	1, 3, 4, 5, 6, 7, 8
3.	A/YL-HT/631	Temporary open storage of scrap metals and plastic with ancillary open-air packaging workshop (3 years)	7.8.2009 (3 years)	1, 3, 4, 5, 9, 10

Approval Conditions:

- 1 The submission or/and implementation of landscaping and/or tree preservation proposals on the site.
- 2 The implementation of drainage proposal on the site.
- 3 The reinstatement of the application site upon the expiry of the planning permission.
- 4 Revocation clause.
- 5 The maintenance of drainage facilities on site or/and submission of a condition record of the existing drainage facilities.
- 6 No handling (including loading, unloading and storage) of cathode-ray tubes and used televisions should be permitted on the site at any time.
- 7 The provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office.
- 8 No cutting, dismantling, cleansing, repairing, and workshop activity is allowed on the site.
- 9 No night time operation or/and no operation on Sundays and public holidays.
- 10 The submission and implementation of run-in/out proposal.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application Site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) to note comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, 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. No permission is given for occupation of Government Land (GL) (about 1,150m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Shek Po Road through GL. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lots owners will need to apply to her office to permit the structures to be erected or regularize any irregularities on Site. Furthermore, the applicant has to apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by the Lands Department acting in the capacity of the landlord 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 Lands Department;
- (e) 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 subject Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed run-in is agreed by TD, the applicant should provide the run-in/out at Shek Po Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The Site encroaches onto the railway protection zone of the West Rail Line. Adequate drainage measures should be provided at the Site access 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 Ping Ha Road;
- (g) to note the comments of the Chief Engineer/Railway Development 2-2/Railway Development Office, Highways Department (CE/RD2-2/RDO, HyD) that as the Site falls within the route protection boundary of the West Rail, the applicant should consult MTRCL on full details of the proposal and comply with their requirements with respect to the future construction, operation, maintenance and safety of the West Rail;
- (h) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department to minimise any potential environmental nuisance;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the BA 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 application Site under the BO. Before any new building works (including containers/open shed as temporary buildings) are to be carried out on the Site, the prior approval and consent of the 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 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) Regulations at the building plan submission stage;
- (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, 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
- (k) 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 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.