

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/89	Temporary open storage of marble with ancillary office and caretaker's room (1 year)	30.7.1999 (1 year)	1, 2, 4, 5
2.	A/YL-HT/163	Temporary open storage of marble with ancillary office and caretaker's room (3 years)	25.8.2000 (3 years) (revoked on 25.5.2001)	1, 2, 3, 4, 5, 6
3.	A/YL-HT/239	Temporary open storage of marble with ancillary office and caretaker's room (3 years)	15.3.2002 (3 years)	2, 3, 4, 5, 6
4.	A/YL-HT/370	Temporary logistic transit centre with ancillary vehicle parking facilities (3 years)	28.1.2005 (3 years)	3, 6, 7, 8
5.	A/YL-HT/527	Renewal of planning approval for temporary logistic transit centre with ancillary vehicle parking facilities under Application No. A/YL-HT/370 (3 years)	18.1.2008 (3 years)	1, 2, 3, 4, 6, 7, 9, 10
6.	A/YL-HT/789	Temporary open storage of plastic and metal and storage of used electrical appliances with ancillary workshop (3 years)	18.5.2012 (3 years)	1, 2, 3, 6, 7, 9, 11, 12, 13, 14
7.	A/YL-HT/951	Temporary open storage of plastic and metal and storage of used electrical appliances with ancillary workshop (3 years)	22.5.2015 (3 years)	1, 2, 3, 4, 6, 7, 9, 11, 13, 15

Approval Conditions:

- 1 The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
- 2 The submission of (DIA) drainage proposals and/or provision of drainage facilities, submission of a condition record of the existing drainage facilities, and/or maintenance of drainage facilities.
- 3 Reinstatement clause.
- 4 The provision of paving, and/or fencing, and/or screening planting.
- 5 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 6 Revocation clauses.
- 7 No night-time operation and/or no operation on Sundays and public holidays.
- 8 The submission and provision of noise mitigation measures.
- 9 The provision of a 9-litres water type/3kg dry powder fire extinguisher and/or the submission and implementation of fire service installations.
- 10 No stacking/open storage of containers.
- 11 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.
- 12 No dismantling/disassembling of electrical/electronic appliances.
- 13 Handling (including loading, unloading and storage) of electrical/electronic appliances on the site should be carried out within concrete-paved covered structure.
- 14 The submission and implementation of run-in/run-out proposal(s).
- 15 No vehicle is allowed to queue back to public road or reverse onto/from the public road.

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) the Site should be kept in a clean and tidy condition at all time;
- (d) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (e) 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. The Government Land (GL) in the Site is covered by Short Term Tenancy (STT) No. 2860 for the propose of “Temporary Open Storage of Plastic and Metal and Storage of Used Electrical Appliances with Ancillary Workshop”. The Site is accessible to Ping Ha Road through GL and private lot(s). Her office provides no maintenance works for the GL involved and does not guarantee any right-of-way over the GL to the Site. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D. 125	STW	Purposes
771 S.B ss.3	3243	Uses Ancillary to Open Storage of Marble and Logistics Transit Centre
817 S.A RP	4186	Temporary Open Storage of Plastic and Metal and Storage of Used Electrical Appliances with Ancillary Workshop
817 S.B RP	4187	Temporary Open Storage of Plastic and Metal and Storage of Used Electrical Appliances with Ancillary Workshop

The Site does not fall within Shek Kong Airfield Height Restriction Area. The STT/STW holders will need to apply to her office for modification of the STT/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 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;

- (f) 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. 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;
- (g) 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 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;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the Applicant is advised that approval of the S.16 application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and /or felling. Application for tree works should be submitted direct to DLO for approval. In consideration of the temporary nature of the site and its constraints, the Applicant may propose tree species of short life span habit or with less vigorous roots in lieu of the *Ficus microcarpa* should any tree require replacement. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Main_tenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (i) 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;
- (j) 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;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to ensure that the proposed development would not encroach on and affect the nearby wooded area to the south of the Site;
- (l) 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

- (m) 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.