

**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)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-LFS/149	Temporary open storage of construction materials (3 years)	1.9.2006 (3 years)	1, 2, 3, 4, 5, 6, 7
2	A/YL-LFS/193	Temporary open storage of construction materials (3 years)	7.8.2009 (3 years)	4, 5, 6, 7, 8, 9, 10, 11, 12, 13
3	A/YL-LFS/237	Temporary open storage of construction materials (3 years)	20.7.2012 (3 years)	4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15
4	A/YL-LFS/277	Temporary open storage of construction materials (3 years)	21.8.2015 (3 years)	1, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17

**Approval Conditions:**

1. The submission and/or implementation of landscaping and/or tree preservation proposals.
2. The submission of drainage proposals and/or implementation of drainage facilities.
3. The submission of vehicular access arrangement and/or provision of vehicular access and/or parking and loading/unloading spaces.
4. Revocation clauses.
5. Reinstatement clause.
6. No night-time operation/no operation on Sundays and public holidays.
7. No repairing, cleansing, melting, dismantling or workshop activity.
8. The stacking height of the materials stored within 5m of the periphery of the site shall not exceed the height of the boundary fence.
9. No storage of materials and no parking of vehicles is allowed within 1m of any tree.
10. Maintenance of the existing vegetation.
11. Maintenance of the drainage facilities implemented, and the submission of a condition record of the existing drainage facilities.
12. The submission of fire service installations (FSIs) proposal, and the provision of FSIs.
13. The submission and implementation of a run-in/out proposal.
14. The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251).
15. No vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle and container vehicle/trailer/tractor, as proposed by the applicant, is allowed to enter, park or operate at the site.
16. Maintenance of the fencing.
17. No vehicle is allowed to queue back to public road or reverse onto/from the public road.

**Similar s.16 Applications  
within the subject "R(E)" zone on the Lau Fau Shan and Tsim Bei Tsui OZP  
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-LFS/186	Temporary Open Storage of Construction Materials (Plastic and Scrap Metal) (3 years)	REC & R(E)	19.12.2008 (1 year) (revoked on 19.5.2009)	4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17
2.	A/YL-LFS/188	Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office under Application No. A/YL-LFS/171 (1 year)	REC & R(E)	23.1.2009 (1 year) (revoked on 2.10.2009)	1, 2, 4, 5, 6, 7, 9, 10
3.	A/YL-LFS/196	Temporary Open Storage of Cable, Construction Machinery and Materials, Recyclable Materials (including Metal and Plastic) (3 years)	R(E)	23.10.2009 (3 years) (revoked on 11.3.2011)	2, 4, 5, 6, 7, 9, 10, 11, 13, 29
4.	A/YL-LFS/211	Temporary Open Storage of Marble and Construction Materials (3 years)	R(E)	12.11.2010 (3 years) (revoked on 25.10.2011)	7, 8, 9, 10, 11, 12, 15, 16, 19
5.	A/YL-LFS/226	Temporary Open Storage of Construction Material and Metal Ware (3 years)	R(E)	7.10.2011 (3 years) (revoked on 22.11.2011)	1, 2, 6, 7, 9, 10, 12, 14, 18, 23
6.	A/YL-LFS/232	Proposed Temporary Open Storage of Marble and Construction Materials with Ancillary Minor Workshop (3 years)	REC & R(E)	20.1.2012 (3 years)	1, 2, 6, 7, 9, 10, 12, 15, 16, 18, 19, 23
7.	A/YL-LFS/233	Temporary Open Storage of Construction Material and Metal Ware (3 years)	R(E)	30.3.2012 (3 years)	1, 6, 7, 9, 10, 12, 14, 18
8.	A/YL-LFS/250	Temporary Open Storage of Marble, Construction Material, Small-scale Construction Machinery and Tools, Construction/Road Safety Goods and Components with 4 Loading/Unloading Space (3 years)	REC & R(E)	19.4.2013 (3 years)	1, 6, 7, 9, 10, 12, 15, 20, 21, 22
9.	A/YL-LFS/251	Temporary Open Storage of Construction Material and Metalwares (3 years)	R(E)	2.8.2013 (3 years)	1, 6, 7, 9, 10, 12, 14, 18
10.	A/YL-LFS/255	Temporary Open Storage (Marbles, Construction Material, Aluminium cans and frames, Small-scale Machinery, cars and lorries for export,	REC & R(E)	13.12.2013 (1 years)	1, 2, 6, 7, 9, 10, 12, 15, 21, 23, 24

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
		mini raising platforms and ancillary workshop and Loading/Unloading Spaces) (3 years)			
11	A/YL-LFS/264	Proposed Temporary Open Storage of Construction Material and Metal Ware (3 years)	R(E)	11.7.2014 (3 years)	2, 6, 7, 9, 10, 11, 12, 14, 18, 21
12	A/YL-LFS/265	Temporary Open Storage of Metal Ware, Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park (3 years)	R(E)	8.8.2014 (1 year)	2, 4, 5, 6, 7, 8, 9, 10, 21
13	A/YL-LFS/272	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 years)	REC & R(E)	27.3.2015 (1 year)	2, 4, 5, 6, 7, 10, 15, 21, 23, 30
14	A/YL-LFS/283	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 years)	REC & R(E)	19.2.2016 (3 years)	4, 5, 6, 7, 10, 12, 15, 21, 23, 28, 30

### Approval Conditions

1. The submission and/or implementation of landscaping and/or tree preservation proposals.
2. The submission and/or implementation of drainage facilities proposals.
3. The submission of vehicular access arrangement and/or provision of vehicular access and/or parking and loading/unloading spaces.
4. Revocation clauses.
5. Reinstatement clause.
6. The provision of a 9-litres water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations.
7. No night-time operation/no operation on Sundays and public holidays.
8. The provision of paving, screening and/or fencing.
9. No repairing, cleansing, melting, dismantling or workshop activity.
10. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
11. Maintenance of landscape planting/existing vegetation on-site in good condition.
12. Maintenance of drainage facilities on site or/and submission of a condition record of the existing drainage facilities.
13. The submission and implementation of run-in/run-out proposal(s).
14. No vehicle exceeding 5/5.5 tonnes, including heavy goods vehicle and container trailer, is allowed for the operation of the site.

15. No heavy vehicle over 24 tonnes, including container trailer and tractor, is allowed for the operation of the site.
16. No storage of materials and/or vehicles is allowed to be stored/parked within 1m of any tree.
17. The construction of an intercept channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out.
18. No handling (including dismantling, loading, unloading and storage) of electrical/electronic appliances, computer wastes, cathode-ray tubes (CRT), CRT computer monitors/television sets/equipment was allowed on the site during the planning approval period
19. No open storage of recyclable materials
20. No vehicle over 10m long, including container vehicle/trailer/tractor, was allowed to enter, park or operate at the site
21. No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times
22. the removal of the excessive structures on the site
23. No vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle is allowed to enter, park or operate at the site at any time
24. No toilet facility is allowed on site at anytime
25. No logistics/freight-forwarding operation was permitted on the site
26. Restriction of vehicle speed within the site to 15km/hr at all times
27. The paving of the local access road within the site should be maintained at all times
28. Maintenance of boundary fencing and/or noise barrier
29. No open storage of containers
30. No materials are allowed to be stored within 3m from the south-western boundary of the site

### **Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-LFS/190	Proposed temporary open storage of construction material and metalware (3 years)	R(E)	22.5.2009	1, 2, 3
2	A/YL-LFS/228	Proposed Temporary Open Storage of Construction Materials (3 years)	R(E) & GB	18.11.2011	1, 3, 4, 5
3	A/YL-LFS/229	Temporary Open Storage of Marble and Construction Materials with Ancillary Minor Workshop (3 years)	R(E) & REC	2.12.2011	6

### **Rejection Reasons**

1. The proposed development would defeat the planning intention of the "R(E)" zone which was primarily for the phasing out of existing industrial uses through redevelopment for residential use on application to the Board.
2. The proposed development is not compatible with the nearby residential dwellings.
3. The proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments from concerned Government department on the environmental aspect against the application, and the submitted assessment failed to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.
4. The development was not in line with the planning intention of the "Green Belt" zone, which was to define the limits of urban and sub-urban development areas by natural features and to contain urban

sprawl, as well as to provide passive recreational outlets. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

5. The development was not compatible with the existing rural neighbourhood and landscape character.
6. The applicant failed to demonstrate that the development would not generate environmental nuisance on the residential dwellings in the vicinity and along the access road and that the approval conditions imposed by the Town Planning Board could be complied with.

**消防處發出之露天貯存用地良好作業指引  
Good Practice Guidelines for Open Storage issued by the Director of Fire Services**

		消防車輛 內部通道 Internal Access for Fire Appliances	地段界線 (淨闊度) Lot Boundaries (Clear Width)	貯存物品 地點與 臨時構築物 之間的距離 Distance between Storage Cluster and Temporary Structure	貯存物品 地點的大小 Cluster Size	貯存高度 Storage Height
1.	露天貯存貨櫃 Open Storage of Containers		2 米 2m	4.5 米 4.5m		
2.	露天貯存非易燃物品 或有限數量的易燃物品 Open Storage of Non-Combustibles or Limited Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m		
3.	露天貯存易燃物品 Open Storage of Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m	40 米乘 40 米 40m x 40m	3 米 3m

備註：露天貯存用地／回收場內不得吸煙或使用明火。

Remarks: Smoking and naked flame activities shall not be allowed within the open storage/recycling site.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the 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. A portion of the Government land (GL) with an area of about 48m<sup>2</sup> of the Site is covered by a Short Term Tenancy (STT) No. 2619 for the purpose of “Open Storage of Construction Materials”. No permission is given for occupation of the remaining GL (“the remaining GL”) with an area of about 2m<sup>2</sup> (subject to verification) included in the Site. The act of occupation of the remaining GL without Government’s prior approval is not allowed. The private land (PL) of the following lots are covered by Short Term Waiver (STW) as below table:

<b>STW No.</b>	<b>Lot No. (in D.D. 129)</b>	<b>Purposes</b>
3555	2189 RP	Ancillary Use to Open Storage of Construction Materials
3556	2378 RP	Ancillary Use to Open Storage of Construction Materials
4319		Temporary Open Storage of Metal Ware, Construction Machinery and Materials, Brand-new Trailer with Ancillary Canteen and Trailer Park

The Site is accessible to Lau Fau Shan Road through GL land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STW/STT holders will need to apply to her office for modification of the STW/STT conditions if there is any irregularity on site. Further, the applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application 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 will be approved. If such application 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;

- (c) 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 the public road or reverse onto/from the public roads;
- (d) 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 Lau Fau Shan Road;

- (e) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, 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 good practice guidelines for open storage should be adhered to. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirement will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings 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 Buildings Department (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 and land filling) 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. 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) Regulation at the building plan submission stage; and
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the tree preservation and landscape proposal by the TPB under S.16 application does not imply approval for tree works such as pruning, transplanting and/or felling under lease. Tree Removal Applications should be submitted direct to DLO for approval. Useful information published by the GLTM Section, DEVB is available for reference in:
- Tree Maintenance For Private Properties 私人物業樹木護養資料  
(Chinese Version: [http://www.greening.gov.hk/tc/tree\\_care/info\\_private.html](http://www.greening.gov.hk/tc/tree_care/info_private.html))
  - Tree Risk Assessment and Management Arrangement 樹木風險評估及管理安排  
(Chinese Version:  
[http://www.greening.gov.hk/tc/tree\\_care/tra\\_arrangements.html](http://www.greening.gov.hk/tc/tree_care/tra_arrangements.html))
  - Handbook of Tree Management 樹木管理手冊 (Chinese Version:  
[https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html))