

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Approval Condition(s)
1.	A/YL-ST/76	Temporary Container Trailer and Tractor Park for a Period of 12 Months	22.1.1999 (12 months)	2, 3, 6, 7, 8
2.	A/YL-ST/81	Temporary Warehouse & Container Trailer & Tractor Park for a Period of 12 Months	30.4.1999 (12 months)	2, 3, 6, 9
3.	A/YL-ST/114*	Temporary Container Trailer/Tractor Park for a Period of 3 Years	3.3.2000 (3 years) <i>[revoked on 3.9.2001]</i>	2, 3, 6, 8
4.	A/YL-ST/124	Proposed Residential Development	5.5.2000	3, 10, 11, 12, 13, 14, 15
5.	A/YL-ST/130*	Temporary Warehouse and Container Tractor and Trailer Park for a Period of 3 Years	2.6.2000 (3 years) <i>[revoked on 2.12.2001]</i>	2, 3, 6, 8

\*Denotes permission revoked

Approved Applications overlapping with about 6.9% of the Site

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Approval Condition(s)
6.	A/YL-ST/53	Temporary Open Storage and Retail Sale of Construction Machinery and Parts for a Period of 12 Months	22.5.1998 (12 months)	2, 3, 4, 5, 6
7.	A/YL-ST/85	Temporary Retail Sale & Open Storage of Construction Machinery for a Period of 12 Months	28.5.1999 (12 months)	2, 3, 6
8.	A/YL-ST/133	Temporary Retail Sale and Open Storage of Construction Machinery for a Period of 3 Years	30.6.2000 (3 years)	2, 3, 6
9.	A/YL-ST/244	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	15.8.2003 (3 years)	2, 3, 5, 6, 16
10.	A/YL-ST/327	Temporary Open Storage and Retail Shop of Construction Machinery for a Period of 3 Years	19.1.2007 (3 years)	1, 2, 3, 5, 6, 17
11.	A/YL-ST/386	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	19.3.2010 (3 years)	1, 2, 3, 5, 6, 8, 12, 17, 18
12.	A/YL-ST/432	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	7.6.2013 (3 years)	1, 2, 3, 5, 6, 8, 12, 17, 18
13.	A/YL-ST/493	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	26.8.2016 (3 years)	1, 2, 3, 5, 8, 17,

Approval Conditions

- (1) The submission and implementation of fire service installations proposal / The provision of fire extinguisher(s)/ the provision of 3 kg dry powder/9-litre water type fire extinguisher in the site office.
- (2) The submission and implementation of landscaping proposals/ tree preservation and landscaping proposals/ the landscape planting on the application site should be maintained at all time/ the implementation of compensatory planting for the missing trees on the site.
- (3) The provision of drainage facilities/ the submission of a drainage and sewerage impact assessment and implementation of relevant mitigation measures/ the drainage facilities on the application site should be maintained at all time/ the submission of a condition record of the existing drainage facilities.
- (4) The provision of mitigation measures to abate possible visual, noise and environmental impacts.
- (5) No car washing, dismantling, repairing or other workshop activities involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing were allowed on the site/ no repairing, fuelling and dismantling activities were allowed on the application site/ no machinery repairing and works involving metal cutting/drilling, paint spraying, hammering and changing oil/lubricant should be conducted on-site.
- (6) Upon the expiry of the planning permission, the reinstatement of the application site to amenity area.
- (7) The provision of vehicle manoeuvring space within the site.
- (8) The provision of fencing and paving on the site.
- (9) The provision of corrugated steel sheet fencing painted in dark green and paving on the site.
- (10) The submission and implementation of a revised Master Layout Plan including the phasing and programming of the proposed development.
- (11) The designation of non-building area within the site along Castle Peak Road - San Tin for future road widening.
- (12) The setting back of the site from Castle Peak Road - San Tin for footpath widening/ the setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project 'Cycle Tracks Connecting NWNT with NENT' - Section from Tuen Mun to Sheung Shui' as and when required by the Government.
- (13) The submission and implementation of a Master Landscape Plan including a tree survey, proposals for preservation of the existing vegetation on the site, tree felling, tree transplanting and compensatory tree planting proposals, management scheme and implementation programme.
- (14) The design and construction of the junction improvement.
- (15) The submission of a natural terrain hazard study for the slope to the west of the application site.
- (16) The submission of parking layout including access arrangement.
- (17) No operation for certain time limit specified in the approved conditions of respective applications.
- (18) No vehicular access point other than the vehicular access point at the west of the site.

Rejected Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Rejection Reasons
1.	A/YL-ST/185	Temporary Container Tractor and Trailer Park for a Period of 3 Years	1.3.2002 Rejected by RNTPC	1, 2
2.	A/YL-ST/196	Temporary Warehouse, Container Tractor/Trailer Park for a Period of 3 Years	10.5.2002 Rejected by RNTPC	1, 2
3.	A/YL-ST/199	Temporary Container Trailer/Tractor Park for a Period of 3 Years	31.5.2002 Rejected by RNTPC	1, 2
4.	A/YL-ST/205	Temporary Warehouse, Container Tractor/Trailer Park for a Period of 3 Years	9.8.2002 Rejected by RNTPC	1, 2
5.	A/YL-ST/209	Temporary Container Tractor and Trailer Park for a Period of 3 Years	13.9.2002 Rejected by RNTPC	2
6.	A/YL-ST/212	Temporary Warehouse, Container Trailer and Tractor Park for a Period of 3 Years	25.10.2002 Rejected by RNTPC	1, 2
7.	A/YL-ST/224	Temporary Container Trailer/Tractor Park for a Period of 3 Years	7.2.2003 Rejected by RNTPC	1, 2
8.	A/YL-ST/235	Temporary Open Storage of Construction Machinery for Sale for a Period of 3 Years	16.5.2003 Rejected by RNTPC	2, 3
9.	A/YL-ST/249	Temporary Retail and Open Storage of Construction Machinery for a Period of 3 Years	16.1.2004 Rejected on review	2, 3
10.	A/YL-ST/265	Temporary Open Storage and Retail of Construction Machinery for a Period of 3 Years	17.9.2004 Rejected on review	2, 3, 4
11.	A/YL-ST/286	Temporary Open Storage of Construction Machinery and Parts for Sale for a Period of 3 Years	15.7.2005 Rejected by RNTPC	2, 3, 4
12.	A/YL-ST/332	Temporary Open Storage and Retail of Construction Machinery for a Period of 3 Years	22.6.2007 Rejected by RNTPC	2, 3, 4

Rejection Reasons

- (1) The local track leading to the site is far below the standard for use by heavy vehicles. The proposed container parking arrangement within the site is considered not satisfactory.
- (2) There is insufficient information in the submission to demonstrate that the proposed use would not generate adverse environmental and drainage impacts on the surrounding areas.
- (3) The development was not in line with the planning intention of the "Residential (Group D)" zone, which was to improve and to upgrade the existing temporary domestic accommodations and to cater for low-rise and low-density residential developments.
- (4) The development was not in line with the Town Planning Board Guidelines on 'Application for Open Storage and Port Back-up Uses' in that there were adverse departmental comments.

**Recommended Advisory Clauses**

- (a) resolve any access issue relating to the development with the adjacent land owner(s)/resident(s) to address their concerns;
- (b) to note DLO/YL, LandsD's comment 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 the remaining GL of about 320m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of remaining GL without Government's prior approval is not allowed. The Site is accessible to Castle Peak Road - San Tin through both PL and GL. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the subject planning application, the lot owners will need to apply to this office to permit the structures to be erected or regularize any irregularities on site. Besides, 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. Furthermore, the STW/STT holders will need to apply to this office for modification of the STW/STT conditions if there is any irregularity on site. Such application will be considered by Lands Department acting in the capacity of the landlord 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 Lands Department;
- (c) to note CHE/NTW, HyD's comment that the proposed access arrangement of the site from Castle Peak Road – San Tin should be commented by C for T. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Castle Peak Road – San Tin. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (d) DEP noted that all noise sources of the ancillary temperature-controlled system will be installed within the E&M room which will be fully enclosed by building structure. DEP advised that all openings, such as windows and doors, are not facing the nearby sensitive receivers. The applicant should refer to Annex I and II of the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (the COP) for the environmental measures and good engineering practice to minimize inconvenience and environmental nuisance to nearby residents and other sensitive receivers. Noise generating activities should be located away as far as possible from any noise sensitive receivers. Sewage discharge from the site should be directed to nearby public sewer. In case of unavailability of public sewer, a septic tank and soakaway pit should be provided. The applicant is also reminded to comply with relevant environmental protection and pollution control ordinances. In particular, the applicant should commit to use Acceptable Noise Level -5 dB(A) as noise design level for compliance with the HKPSG;
- (e) to note DAFC's comment that the applicant and his staff should be advised to avoid disturbing any wild birds including their nests and eggs which are protected under the Wild Animals Protection Ordinance, Cap. 170. Any lighting facilities installed on site should also be directed towards the Site as far as practicable;

- (f) to note D of FS' comment that in consideration of the design/nature of the proposal, 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 applicant should also be advised: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Building Department;
- (g) to note CBS/NTW, BD's comment that before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (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 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 site under 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage;
- (h) to note CE/MN, DSD's comment that no public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
- (i) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re-provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent for management and maintenance of the re-provisioned facilities to FEHD. If FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to us. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to us. Proper licence / permit issued by this Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the

commercial/trading activities, the applicant should handle on their own/at their expenses;

- (j) to note DLCS's comment that from tree preservation point of view, every effort should be made to preserve the existing trees on site and minimize the adverse effect to them during work. Should any trees be unavoidably affected by the proposed development, project proponent should submit tree removal application with full justifications to relevant government department(s) for consideration and approval; and
- (k) to note CE/C, WSD's comment that a Waterworks Reserve with 1.5m from the centerline of the affected water mains shall be provided to the satisfaction of WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works and all other services across, through or under it which the Water Authority may require or authorize. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works and all other services across, through or under it which the Water Authority may require or authorize. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan. The developer shall bear the cost of any necessary diversion works affected by the proposed development. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site. For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.