

Previous s.16 Applications Covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/DPA/YL-ST/9	Container Vehicle Park	23.7.1993 Approved by RNTPC (3 years)	(1) to (4)
2.	A/DPA/YL-ST/17	Open container vehicle park and ancillary uses (mainly tyre repairing and replacement for container vehicles).	15.10.1993 Approved by RNTPC (3 years)	(1), (2), (4)
3.	A/YL-ST/13	Temporary Container Storage Yard for Not More Than 3 years	15.11.1996 Approved by RNTPC (3 years)	(1) to (5)
4.	A/YL-ST/14	Temporary Container Trailer Park for Not More Than 3 years	15.11.1996 Approved by RNTPC (3 years)	(1) to (5)
5.	A/YL-ST/17	Temporary container vehicle park and open storage of containers for not more than 3 years.	6.12.1996 Rejected by RNTPC 29.8.1997 Approved by TPB upon review (3 years)	(2), (4), (6), (7)
6.	A/YL-ST/52	Temporary public car park (for private cars) for a period of 3 years.	24.4.1998 Approved by RNTPC (2 years)	(2), (4), (8), (9), (10)
7.	A/YL-ST/131*	Temporary Public Car Park with Ancillary Office and Canteen for a Period of 3 Years	16.6.2000 Approved by RNTPC (3 years) [revoked on 15.9.2001]	(2), (4), (9), (11), (12)

**Appendix II of RNTPC
Paper No. A/YL-ST/523**

8.	A/YL-ST/204*	Temporary Public Car Park with ancillary office and canteen for a period of 3 years	9.8.2002 Approved by RNTPC (3 years) [revoked on 9.5.2003]	(2), (4), (7), (11), (12), (13)
9.	A/YL-ST/229	Temporary Public Car Park (for private cars) with ancillary facilities (including a proposed refreshment kiosk) for a period of 3 years	7.3.2003 Approved by RNTPC (3 years)	(2), (4), (11), (12), (13), (14)
10.	A/YL-ST/308	Temporary Public Car Park (for Private Cars) with Ancillary Facilities (including a Refreshment Kiosk) for a Period of 3 Years	7.4.2006 Approved by RNTPC (3 years)	(2), (4), (7), (8), (11), (12), (15), (16), (17)
11.	A/YL-ST/357	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) under Application No. A/YL-ST/308 for a Period of 3 Years	13.2.2009 Approved by RNTPC (3 years)	(2), (7), (8), (11), (12), (16), (17), (18), (19)
12.	A/YL-ST/409	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) under Application No. A/YL-ST/357 for a Period of 3 Years	20.1.2012 Approved by RNTPC (3 years)	(1), (2), (4), (6), (7), (8), (11), (12), (16), (17), (18), (20)
13.	A/YL-ST/435*	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (including a refreshment kiosk) for a Period of 3 Years	16.8.2013 Approved by RNTPC (3 years) [revoked on 16.7.2015]	(2), (4), (6), (7), (8), (11), (12), (15), (16), (17), (20)
14.	A/YL-ST/463	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years	22.5.2015 Approved by RNTPC (3 years)	(1), (2), (4), (6), (7), (8), (11), (12), (15), (16), (17), (20)

*Denotes application revoked

Approval Conditions

Appendix II of RNTPC
Paper No. A/YL-ST/523

- (1) The submission and implementation of a layout plan including vehicular access and car parking arrangement/the submission and provision of buffer area proposal fronting Castle Peak Road - Chau Tau/ the maintenance of the buffer area within the site fronting Castle Peak Road - Chau Tau as proposed by the applicant to avoid queuing on Castle Peak Road - Chau Tau
- (2) The submission and implementation of drainage proposals/The submission of a drainage impact assessment and the implementation of flood mitigation measures/The submission of a revised drainage impact assessment, the implementation of flood mitigation measures and the provision of drainage facilities/the existing drainage facilities should be maintained at all times/ the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/308/the submission of as-built drainage plans and sections and photographic records of the existing drainage facilities
- (3) The provision of sewage and waste water treatment and disposal facilities.
- (4) The submission and implementation of landscape proposals and a 2.5m high perimeter visual screen/The submission and implementation of landscaping proposal/ the existing landscape planting on the site should be maintained at all times/the submission and implementation of tree preservation proposal
- (5) The submission of a traffic impact assessment and the implementation of road improvement.
- (6) To reduce dust generation, the paving of the site/ the paving and boundary fencing on the site should be maintained at all times/ provision of boundary fencing
- (7) Setting back of the site to avoid encroachment onto the proposed road widening works of Lok ma Chau Road/Setting back of the application site from the scheme boundary of the Sheung Shui to Lok Ma Chau Spur Line/the setting back of the site from the works limit of Kowloon-Canton Railway Corporation's work site for the Sheung Shui to Lok Ma Chau Spur Line Project under the Short Term Tenancy No. RDS/SP-004/ the setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains
- (8) No vehicles other than those licenced under Traffic Regulations are allowed to be parked at the site/no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site
- (9) The relocation of all ingress/egress points to Lok Ma Chau Road and the provision of vehicular access points to and from the site/The provision of vehicular access points to and from the site
- (10) The provision of appropriate lighting in the proposed development
- (11) Revocation clause(s)
- (12) Reinstatement clause
- (13) No canteen allowed
- (14) No foul water nor effluent allowed to be generated
- (15) Only private cars, taxis, light vans and motor bikes were allowed to be parked on the site
- (16) No car washing and vehicle repair workshop were allowed on the site/ no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site
- (17) The provision of a 9-litre water type/3 kg dry powder fire extinguisher in the site office/ the submission of fire service installations proposals/ the provision of fire service installations

- (18) No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site
- (19) The existing fencing on the site should be maintained at all times
- (20) A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance

Similar s.16 Applications within the same "U" zone
on the San Tin OZP No. S/YL-ST/8

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-ST/352	Proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years	23.1.2009 Approved by RNTPC (3 years)	(2), (3), (4), (7), (8), (9), (13)
2.	A/YL-ST/380	Proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years	18.12.2009 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (8), (9)
3.	A/YL-ST/392	Temporary container vehicle park, open storage of containers and public car park for a period of 3 years	28.1.2011 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (8), (14), (15)
4.	A/YL-ST/393	Temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen) and storage of metal ware and construction material for a period of 3 years	28.1.2011 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (8)
5.	A/YL-ST/394	Renewal of planning approval for temporary public car park with ancillary office for a period of 3 years	28.1.2011 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (7), (8), (9)
6.	A/YL-ST/400*	Proposed Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area for a Period of 3 Years	1.4.2011 Approved by RNTPC (3 years) <i>[revoked on 1.1.2013]</i>	(1), (2), (3), (4), (7), (8), (10), (11)
7.	A/YL-ST/407	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/352 for a Period of 3 Years	16.12.2011 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (8), (9), (11), (12),
8.	A/YL-ST/427	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	7.12.2012 Approved by RNTPC	(1), (2), (3), (4), (7), (8), (9), (11), (12)

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
			(3 years)	
9.	A/YL-ST/441	Renewal of planning approval for temporary "container vehicle park, open storage of containers and public car park" for a period of 3 years	3.1.2014 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (8), (14), (15)
10.	A/YL-ST/442	Temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen), storage of metal ware and construction material, and cargo handling and forwarding facilities for a period of 3 years	4.4.2014 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (8),
11.	A/YL-ST/444	Temporary public car park with ancillary office for a period of 3 years	9.5.2014 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (8), (9), (12)
12.	A/YL-ST/448	Temporary public vehicle park (for private cars only) and landscaped area for a period of 3 years	12.9.2014 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (8), (10)
13.	A/YL-ST/456	Renewal of planning approval for temporary "public vehicle park (excluding container vehicle)" for a period of 3 years	2.1.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (8), (9), (11), (12)
14.	A/YL-ST/497	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years	9.12.2016 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (8), (12), (15)
15.	A/YL-ST/501	Renewal of Planning Approval for Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) and Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities for a Period of 3 Years	17.3.2017 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (8)
16.	A/YL-ST/513	Renewal of Planning Approval	22.12.2017	(1), (2), (3), (4),

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
		for Temporary "Public Vehicle Park (excluding container vehicle)" for a Period of 3 Years	Approved by RNTPC (3 years)	(7), (9), (11), (12), (16)

* Denotes permission revoked.

Approval Conditions

- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s).
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period/The submission of a condition record of the existing drainage facilities/The submission of an as-built drainage plan and photographic records of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals/The landscape planting on the site should be maintained at all times during the approval period/The submission and implementation of tree preservation proposal.
- (4) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (5) The setting back the boundary of the site to avoid encroachment onto the administrative protection boundary of Northern Link as and when required by the Government to the satisfaction of the Director of Highways or of the TPB/setting back the existing run-in/out.
- (6) No operation between 11:00 p.m. and 7:00 a.m. for container vehicles and heavy goods vehicle/vehicle repairing activities, and cargo handling and forwarding services.
- (7) No vehicle washing, dismantling, repairing and workshop activity/No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period.
- (8) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (9) No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored.
- (10) Only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored.
- (11) A notice should be posted at a prominent location of the site at all time to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site.
- (12) The submission and provision of a layout plan including vehicular access and car parking arrangement/ a proper run-in /a vehicular access should be maintained/The existing run-in connecting Lok Ma Chau Raod on the site shall be maintained/the submission and implementation of a layout plan of the vehicle park
- (13) The submission and provision of a proper footpath proposal.
- (14) The containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence.
- (15) The stacking height of containers stored at any other location within the site should not exceed 8 units.
- (16) No queueing and no reverse movement of vehicle is allowed on public road.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-ST/417	Temporary public vehicle park (for private cars only) for a period of 3 years	10.5.2013 Rejected by TPB upon review	(1) to (4)

Main Reasons for Rejection:

- (1) The development is not in line with the planning intention of the "GB" zone.
- (2) The development is not in line with the TPB PG-No. 10.
- (3) The development does not comply with the TPB PG-No. 13E.
- (4) Approval of this application would set an undesirable precedent for similar applications within "GB" zone to the north of the Chau tau west Road. The cumulative effect of approving these similar applications would in a general degradation of the environment of the area.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lot 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 Lot No. 372 S.D RP in D.D. 99 is covered by STWs to permit structures for the purpose of "Temporary vehicle park (including Container Vehicles), Temporary Public Vehicle Park (including Private Cars, Container Vehicles, Heavy Goods Vehicles and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses only) with Ancillary Facilities (including Vehicle Repair Area, Site Offices, Canteen and a Refreshment Kiosk), Storage of Containers, Storage of New Unlicensed Container Tractors, Storage of Metal Ware and Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and Related Parts/Accessories), Vehicle Repair and Services, Ancillary Office and Cargo Handling and Forwarding Facilities". A portion of the GL (about 8,580m²) of the Site is covered by a Short Term Tenancy (STT) No. 2806 for the purpose of "Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk)". No permission is given for occupation of the remaining GL (about 128m² subject to verification) included in the Site. The fact that the act of occupation of GL without Government's prior approval should not be encouraged. The Site is accessible to Castle Peak Road – San Tin through GL. His 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 STW/STT holders will need to apply to his office for modification of the STW/STT conditions if there is any irregularity on site. Furthermore, 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 CHE/NTW, HyD's comments that Highways Department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Castle Peak Road – San Tin. There is GL along the western and northern boundaries of the Site which may be used by the applicant from time to time and LandsD has requested the applicant to provide permanent fencing such as chain-link fencing with a pedestrian gate to fence off the GL within the Site while allowing government staff to pass through for maintenance works. Such request from LandsD is supported provided that fencing will not cause obstruction to the access of the slope No. 2SE-B/F87 by his staff and contractor to carry out routine inspection and maintenance works (Plan A-2);
- (d) to note CE/RD 2-2, RDO, HyD's comments that part of the Site would fall within the area of influence of the proposed Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL. The applicant shall be reminded of the above when planning its land use

application;

- (e) to note DEP's comments that for properly managed car park involving private cars only, there is limited potential for generating any adverse environmental impact. In this regard, the applicant is advised to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sties";
- (f) to note D of FS's comments 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 the Fire Services Department (FSD) for approval. The applicant should also be advised that (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 FSI 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;
- (g) to note CBS/NTW, BD's comments that there is no record of approval by the Building Authority (BA) for the structures existing at the Site and 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 Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including offices, shops and store rooms as temporary buildings) are to be carried out on the Site, 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 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 (B(P)R) 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 B(P)R at the building plan submission stage;
- (h) to note CE/MN, DSD's comments that he notes that the applicant implemented the drainage facilities on site under previous planning application No. A/YL-ST/463 and the drainage implementation works were considered satisfactory. Under current application, the planning area is not much different from the previous application. Please ask the applicant to confirm if they would adopt the same drainage facilities and if positive, provide the approved drainage proposal under planning application no. A/YL-ST/463 (with approval letter), and a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant is reminded that the proposed drainage proposal / works as well as the site boundary should not cause encroachment upon areas outside his

jurisdiction. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times;

- (i) to note CE/Dev(2), WSD's comments that existing water mains will be affected. A waterworks reserve within 1.5 metres from the centerline of the water mains shall be provided to the satisfaction of WSD. No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. 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. 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;
- (j) to note DFEH's comments that for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses, and; proper licence / permit issued by the Food and Environmental Hygiene Department (FEHD) is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
- (k) to note PM(W), CEDD's comments that as part of the works of the Main Works Package 1 (MWP1) of the Development of Lok Ma Chau Loop (the Loop), Lok Ma Chau Road would be upgraded to form part of the Western Connection Road to the Loop in order to cater for the anticipated increase in local traffic demand due to the Loop development. Though the detailed design of MWP1 is unavailable at this stage, due to the close proximity, interface issues between MWP1 and the concerned sites in the application are expected and shall be taken into account. According to the latest project development programme, the detailed design of MWP1 would start in 2018 and the upgrading works of Lok Ma Chau Road would start in 2022 the earliest.

