

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Uses/Development	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-ST/35	Temporary open storage of containers for a period of 12 months	5.12.1997 Approved by RNTPC (12 months)	(1), (2)
2.	A/YL-ST/40	Temporary container trailer park and ancillary trailer repairing area for a period of 12 months	5.12.1997 Approved by RNTPC (12 months)	(1) - (4)
3.	A/YL-ST/73	Temporary open storage of containers for a period of 12 months	22.1.1999 Approved by RNTPC (12 months)	(1), (2), (5)
4.	A/YL-ST/74	Temporary container trailer park for a period of 12 months	22.1.1999 Approved by RNTPC (12 months)	(1) - (5)
5.	A/YL-ST/120	Temporary open storage of containers for a period of 3 years	31.3.2000 Approved by RNTPC (3 years)	(1), (2), (5) - (9)
6.	A/YL-ST/122	Temporary container trailer park for a period of 3 years	31.3.2000 Approved by RNTPC (3 years)	(1), (2), (5), (6), (8), (9)
7.	A/YL-ST/232	Temporary open storage of containers and container trailer park with ancillary facilities for a period of 3 years	25.4.2003 Approved by RNTPC (3 years) 17.10.2003 Approved by TPB on review (3 years)	(1), (2), (4), (5), (6), (8), (10)
8.	A/YL-ST/306	Temporary open storage of containers and container trailer park with ancillary facilities for a period of 3 years	7.4.2006 Approved by RNTPC (3 years)	(1) - (6), (9), (11)
9.	A/YL-ST/361	Renewal of planning approval for temporary open storage of containers and container trailer park with ancillary facilities for a period of 3 years	13.3.2009 Approved by RNTPC (3 years)	(1), (2), (4) - (9), (12) - (14)
10.	A/YL-ST/414*	Temporary open storage of containers and cargo handling and forwarding facilities with ancillary container trailer park and vehicle repair workshop for a period of 3 years	18.5.2012 Approved by RNTPC (3 years) [permission was revoked on 18.6.2014]	(1), (2), (3), (5) - (9), (12) - (16)
11.	A/YL-ST/465	Temporary cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop for a period of 3 years	22.5.2015 Approved by RNTPC (3 years)	(1) - (3), (5) - (9), (11) - (16)

*denotes permission revoked

Approval conditions

- (1) Submission / implementation of landscaping proposals / as-planted plan / tree preservation and compensation proposal / maintenance of existing screen planting / maintenance of existing vegetation
- (2) Submission of revised drainage impact assessment / condition record of the existing drainage facilities and provision / implementation of flood mitigation measures and provision of drainage facilities / maintenance of existing drainage facilities
- (3) Design / submission / implementation / provision of vehicular access/run-in
- (4) Setting back of the site
- (5) Reinstatement clause
- (6) No night time operation
- (7) Stacking height of the materials stored within 5 meters of the periphery of the application site should not exceed the height of the boundary fence
- (8) Fencing and paving of the site / maintenance of fencing / and paving
- (9) Revocation clause
- (10) Submission / implementation of parking layout including access arrangement
- (11) Provision of fire extinguisher(s)
- (12) No operation on Sundays and public holidays
- (13) Stacking height of containers stored at any other location should not exceed 7/8 units
- (14) Submission / provision of fire service installations proposals
- (15) No reversing in or out from the site
- (16) Submission /provision of a proposal on buffer area / maintenance of the buffer area

Rejected Applications

No.	Application No.	Proposed Use/Development	Date of Consideration (RNTPC/TPB)	Rejection Reasons
1.	A/YL-ST/26	Temporary open storage of containers (for a period up to 5.8.1997)	28.2.1997 Rejected by RNTPC 27.6.1997 Rejected by TPB on review	(1) - (3)

Rejection Reasons

- (1) Not in line with planning intention of the "R(D)" zone
- (2) No information in submission to demonstrate mitigation or improvement measures required can be practically implemented
- (3) Approval of the application will set an undesirable precedent

**Similar s.16 Applications within "R(D)" zone
on the San Tin OZP No. S/YL-ST/8**

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB/AB)	Approval Conditions
1.	A/YL-ST/404	Temporary open storage of containers and cargo handling and forwarding facilities with ancillary container vehicle park and with ancillary vehicle repair workshop for a period of 3 years	17.6.2011 Approved by RNTPC (3 years)	(1) - (13)
2.	A/YL-ST/455	Temporary logistic centre with ancillary container vehicle park, vehicle repair workshop and car beauty service for a period of 3 years	12.12.2014 Approved by RNTPC (3 years)	(2) - (9), (11) - (13)
3.	A/YL-ST/512	Renewal of planning approval for temporary logistic centre with ancillary container vehicle park, vehicle repair workshop and car beauty service for a period of 3 years	8.12.2017 Approved by RNTPC (3 years)	(2) - (9), (11) - (13)

*denotes permission revoked

Approval Conditions

- (1) Boundary setback to avoid encroachment
- (2) No night time operation
- (3) No operation on Sundays and public holidays
- (4) Containers stacked within 5m of the periphery of the site should not exceed height of boundary fence
- (5) Stacked height of containers should not exceed 8 units
- (6) Maintenance of boundary fencing and paving
- (7) Maintenance of existing vegetation/trees / submission/implementation of landscape / tree preservation / compensation proposal
- (8) Maintenance of drainage facilities / submission of as-built drainage plan and photographic records
- (9) Submission of proposal for/provision of buffer area
- (10) Submission of proposal for/provision of vehicular access/run-in
- (11) Submission of proposal for/provision of Fire Service Installations / provision of fire extinguishers
- (12) Revocation clause
- (13) Reinstatement clause



Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) the permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove the structures not covered by the permission;
- (c) to note DLO/YL, LandsD's comments 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. Portions of Government Land (GL) with total area of about 840m² of the Site is covered by a Short Term Tenancy (STT) No. 3014 for the purpose of "Temporary Cargo Handling and Forwarding Facilities and Open Storage of Containers with Vehicle Repair Workshop". No permission is given for occupation of the remaining GL ("the remaining GL") with an area of about 117m² (subject to verification) included in the Site. The act of occupation of the remaining GL without Government's prior approval is not allowed. 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 over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the planning application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there is any irregularity 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 remaining GL. Furthermore, the lot owner of the lot without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on Site. 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;
- (d) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) 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 his Department for approval. In addition, the applicant is advised on the following points: 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;
- (f) 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 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 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.

- (g) 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/465 and the drainage implementation works were considered satisfactory. Under current application, the planning area is less than that of the previous application. The applicants should provide the approved drainage proposal under planning Application No. A/YL-ST/465 (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 proposed 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 drainage works on site under proper maintenance at all times;
- (h) to note CE/C, WSD's comments that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5m from the centerline of the water main shown on the attached plan shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage 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 laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. 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;
- (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 cost for management and maintenance of the re-provisioned facilities to FEHD. Proper licence / permit issued by his 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; and

- (j) the applicant is reminded to make reference to the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

