

Previous s.16 Applications covering the application site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB/AB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/86	Temporary public car park for a period of 3 years	28.5.1999 Approved by RNTPC (3 years)	(2), (3), (10)
2.	A/YL-ST/118	Proposed temporary open storage of building material, pre-casted facade units and/or vehicle spare parts for a period of 3 years	14.4.2000 Approved by RNTPC (3 years) *[revoked on 14.1.2001]	(2), (3), (11)
3.	A/YL-ST/148	Temporary car park for second hand private cars for a period of 3 years	13.10.2000 Approved by RNTPC (3 years)	(2), (3), (8)
4.	A/YL-ST/179	Temporary open storage of second hand motor vehicles (including private cars and tractors but excluding trailers) for sale and a covered works area for a period of 3 years	8.3.2002 Approved by TPB upon review (3 years)	(2)
5.	A/YL-ST/290	Temporary open storage of second hand motor vehicles (including private cars and tractors but excluding trailers) for sale and a covered works area for a period of 3 years	29.7.2005 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (7), (8),
6.	A/YL-ST/365	Temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area for a period of 3 years	22.5.2009 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (10)
7.	A/YL-ST/413	Renewal of planning approval for temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area for a period of 3 years	18.5.2012 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)

8.	A/YL-ST/461	Renewal of planning approval for temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area for a period of 3 years	8.5.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (11), (12)
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*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 as-built drainage plans 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.
- (4) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (5) No operation between 11:00 p.m. and 7:00 a.m. (No. A/YL-ST/290); between 6:00pm to 9:00 a.m. on weekdays and between 1:00 p.m. to 9:00 a.m. on Saturdays (Nos. A/YL-ST/365, 413 and 461).
- (6) No operation on Sundays and public holidays.
- (7) No cutting, dismantling, repairing and workshop activity.
- (8) No tractors/trailers are allowed to be parked on the application site.
- (9) The submission and provision of buffer area proposal.
- (10) The submission and provision of a proper run-in /a vehicular access and run-in should be maintained.
- (11) The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- (12) No reversing of vehicles into or out from the Site is allowed at any time during the planning approval period.

Rejected Applications

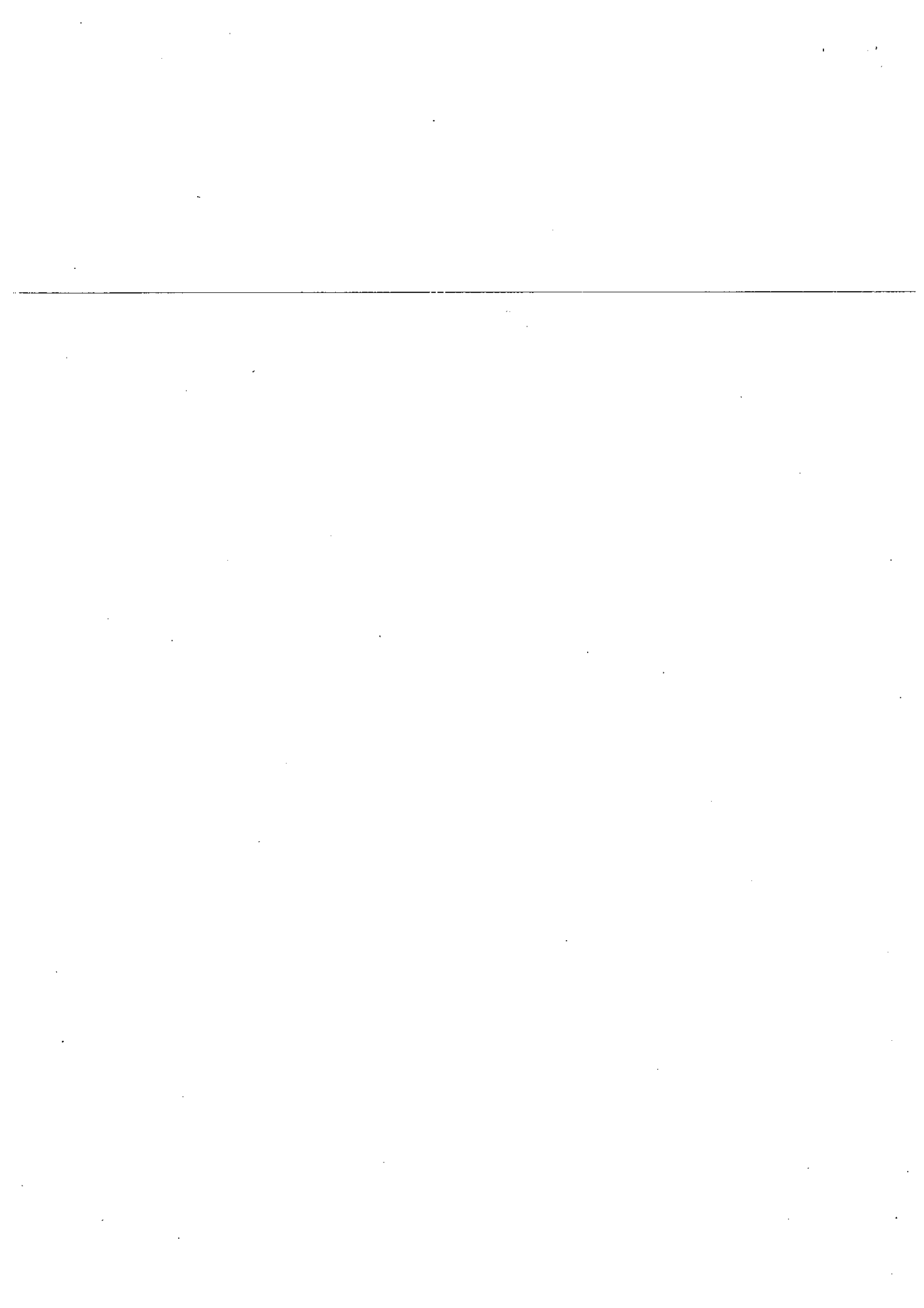
<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/DPA/YL-S T/13	Proposed open container vehicle and lorry park	3.9.1993 Rejected by RNTPC	(1), (2), (3), (4), (5)

2.	A/YL-ST/19	Temporary car repairing workshop for not more than 12 months	20.12.1996 Rejected by RNTPC	(1), (2), (3), (6)
3.	A/YL-ST/46	Temporary container vehicle repairing and washing workshop for a period of 12 months	15.5.1998 Rejected by TPB Upon review	(1), (2), (3), (6)

Main Reasons for Rejection

- (1) Not in line with the planning intention for the area.

- (2) Not been satisfactorily demonstrated in the submission that the development has insignificant adverse impact on the environment, drainage and traffic in the area.
- (3) The development is not compatible with the neighbouring rural settlement.
- (4) The proposed vehicular access onto the nearby slip road of the New Territories Circular Road would cause adverse impact on the road network.
- (5) No noise mitigation measures had been proposed.
- (6) Setting undesirable precedent for other similar applications.



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

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB/AB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/366	Temporary retail shop for vehicle parts and accessories with ancillary facilities for a period of 3 years	19.6.2009 Approved by RNTPC (3 years) *[revoked on 9.10.2009]	(1), (2), (3), (8), (9), (11)
2.	A/YL-ST/369	Temporary retail shop to sell vehicle parts and accessories for a period of 3 years	10.7.2009 Approved by RNTPC (3 years) *[revoked on 10.5.2012]	(1), (2), (3), (8), (9), (11)
3.	A/YL-ST/370	Temporary sales office for container tractors/medium goods vehicles and retail shop for building materials for a period of 3 years	10.7.2009 Approved by RNTPC (3 years)	(1), (2), (3), (6), (7), (8)
4.	A/YL-ST/374	Renewal of planning approval for temporary parking of lorry cranes for sale with ancillary maintenance workshop	18.9.2009 Approved by RNTPC (3 years)	(1), (2), (3), (6), (7)
5.	A/YL-ST/386	Temporary open storage and retail sale of construction machinery for a period of 3 years	19.3.2010 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (12)
6.	A/YL-ST/401	Temporary shop and services (second hand private car sales) for a period of 3 years	15.4.2011 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (8), (9), (11)
7.	A/YL-ST/420	Renewal of planning approval for temporary parking of lorry cranes for sale with ancillary maintenance workshop	7.9.2012 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (10), (11), (13)
8.	A/YL-ST/429	Temporary retail shop (container tractors, medium goods vehicles, forklifts and building materials) for a period of 3 years	25.1.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (8), (10),

9.	A/YL-ST/432	Temporary open storage and retail sale of construction machinery for a period of 3 years	7.6.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (12)
10.	A/YL-ST/460	Temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of 3 years	8.5.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6) (8), (9)
11.	A/YL-ST/478	Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	9.10.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (10), (11), (13)
12.	A/YL-ST/484	Temporary retail shop (container tractors, medium goods vehicles, vehicle parts and building materials) for a period of 3 years	5.2.2016 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (8), (10)
13.	A/YL-ST/493	Temporary open storage and retail sale of construction machinery for a period of 3 years	26.8.2016 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (8)
14.	A/YL-ST/511	Proposed temporary open storage and retail shop of vehicle parts and accessories for a period of 3 years	8.12.2017 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (8), (9), (11)
15.	A/YL-ST/524	Temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of 3 years	1.6.2018 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (8), (9), (13)

*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/submission of 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, existing planting on the site should be maintained at all times during the approval period/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 of the northern boundary of the site to avoid encroachment upon the resumption limit of the project 'Cycle Tracks Connecting North West New Territories with North East New Territories - Sheung Shui to Tuen Mun Section' as and when required by the Government.
- (6) No night-time operation between 11:00 p.m. and 7:00 a.m. (No. A/YL-ST/370); between 7:00 p.m. and 7:00 a.m. (Nos. A/YL-ST/374, 420 and 478); between 7:00 p.m. and 8:00 a.m. (Nos. A/YL-ST/386, 432 and 493); between 11:00 p.m. and 8:00 a.m. (No. A/YL-ST/401 and 460); between 8:00 p.m. and 8:00 a.m. (No. A/YL-ST/429 and 484); between 7:00 p.m. and 9:00 a.m.; and between 11:00 p.m. and 8:00 p.m. (No. A/YL-ST/524).

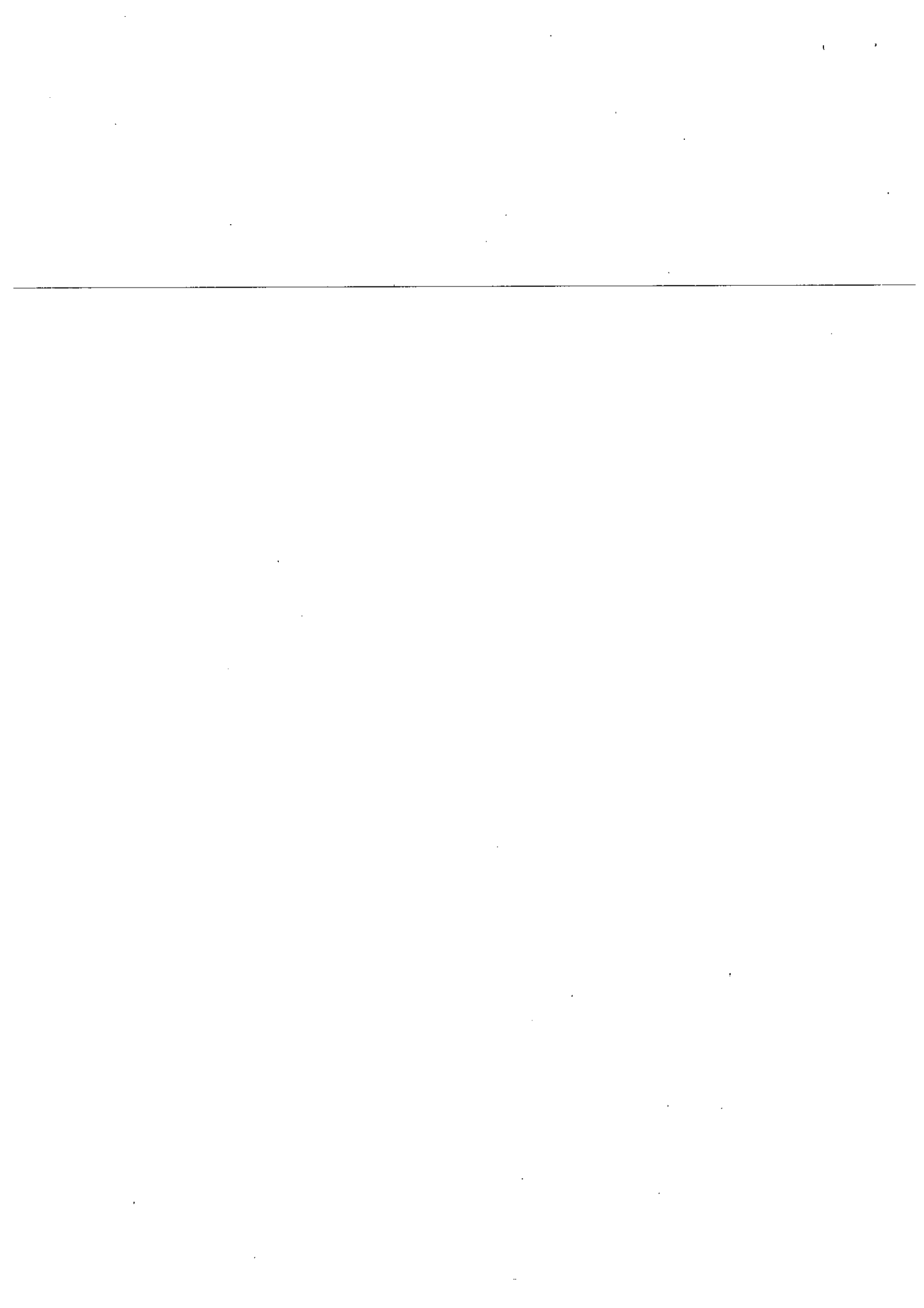
- (7) No operation on Sundays and public holidays was allowed on the site.
- (8) No car washing, cutting, dismantling, repairing and workshop activity.
- (9) No heavy goods vehicles or container trailers or tractors were allowed (Nos. A/YL-ST/366 and A/YL-ST/369)/no medium or heavy goods vehicles including container trailers or tractors were allowed (No. A/YL-ST/401, 511 and 524) to be parked/stored on the site.
- (10) The submission and implementation/provision of proposal on buffer zone.
- (11) The submission and provision of a site layout/a proper run-in /a vehicular access and run-in should be maintained.
- (12) No vehicular access point other than the vehicular access point proposed was allowed on the site.
- (13) No vehicle is allowed to queue back to the public road or reverse onto/from the site at any time during the planning approval period

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)*/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-ST/388	Temporary retail area of second-hand goods vehicles of above 5.5 tones, container tractors and trailers for a period of 3 years	11.6.2010 Rejected by RNTPC	(1), (2)

Main Reasons for Rejection:

- (1) The proposed development involving heavy goods vehicles was not compatible with the neighbouring residential uses.
- (2) The proposed development was not in line with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses" in that there were adverse comments from concerned Government department on the environmental aspect, and the development would have adverse environmental nuisances to the nearby residents.



Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- ~~(b) prior planning permission should have been obtained before commencing the applied use at the Site;~~
- (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 GL with total area of about 341m² of the Site are covered by a Short Term Tenancy (STT) No. 1923 for the purpose of "Open Storage of Second Hand Motor Vehicles (including Private Cars and Tractors but excluding Trailers) with Ancillary Workshop and Office". No permission is given for occupation of the remaining GL with an area of about 62m² (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 of Lot No. 52 RP in D.D. 105 is covered by Short Term Waiver (STW) No. 3766 to permit structures for the purpose of "Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractor but excluding Trailers) for Sale and Covered Works Area". The Site is accessible to Shek Wu Wai Road 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 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 his department does not and will not maintain any access connecting the Site and Shek Wu Wai Road. Presumably, the relevant departments will provide their comments, if any. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note DEP's comments that the applicant is reminded that all waste water from the Site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (f) to note D of FS' comments 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 on the following points: 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; and good practice guidelines for open storage should be adhered to (**Appendix IV**). To address the additional condition requiring the provision of fire extinguisher(s), the applicant is advised to submit a valid fire certificate (FS251) to his Department for approval. The applicant should be 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 containers and open sheds 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 the applicant implemented the drainage facilities on site under previous planning Application No. A/YL-ST/461 and the drainage implementation works were considered satisfactory at that time. Under the current application, the applicant has to provide DSD with a set of latest record photographs showing the completed drainage works (including the internal conditions of the drains). He will then liaise with the applicant to arrange to carry out a joint site inspection for the completed drainage works with reference to the latest record 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 all drainage works on site under proper maintenance at all times;
- (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.

Reprovisioning 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 reprovisioned facilities to FEHD. Proper licence / permit issued by his Department 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 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) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area.

