

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/DPA/YL-ST/10	Open container vehicle park	23.7.1993 Approved by RNTPC (3 years)	1, 2, 3, 4
2.	A/YL-ST/11	Temporary container trailer park and open storage of containers for a period of 2-3 years	18.10.1996 Approved by RNTPC (3 years)	1, 2, 3, 4
3.	A/YL-ST/251	Temporary public car park with ancillary office for a period of 3 years	7.11.2003 Approved by RNTPC (3 years)	1, 2, 4
4.	A/YL-ST/324	Temporary public car park with ancillary office for a period of 3 years	1.12.2006 Approved by RNTPC (8 months)	1, 2, 4
5.	A/YL/ST/346	Temporary public car park with ancillary office for a period of 3 years	1.2.2008 Approved by RNTPC (3 years)	1, 2, 4
6.	A/YL/ST/394	Temporary public car park with ancillary office for a period of 3 years	28.1.2011 Approved by RNTPC (3 years)	1, 2, 4
7.	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

Approval Conditions

- (1) The submission and implementation of landscaping proposal/The landscape planting on site should be maintained at all times during the approval period.
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained during the planning approval period.
- (3) The submission and implementation of a layout plan including vehicular access and car parking arrangement/The provision of vehicular access leading to the site from Lok Ma Chau Road.
- (4) The submission and implementation of fire service installations proposal.



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

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/352	Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years	23.1.2009 Approved by RNTPC (3 years)	2, 4, 5, 7, 9, 10, 11, 15
2.	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, 3, 4, 5, 7, 10, 11, 12, 15
3.	A/YL-ST/380	Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years	18.12.2009 Approved by RNTPC (3 years)	2, 4, 5, 7, 10, 11, 12, 15, 16
4.	A/YL-ST/400*	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) (revoked on 1.1.2013)	2, 4, 5, 6, 7, 10, 11, 12, 15, 16
5.	A/YL-ST/407	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	16.12.2011 Approved by RNTPC (3 years)	1, 2, 4, 5, 6, 7, 10, 11, 12, 15, 16
6.	A/YL-ST/409	Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years	20.1.2012 Approved by RNTPC (3 years)	2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15, 16
7.	A/YL-ST/427	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	7.12.2012 Approved by RNTPC (3 years)	2, 4, 5, 7, 10, 11, 12, 13, 15, 16
8.	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)	2, 4, 5, 7, 10, 11, 12, 15, 16
9.	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, 4, 5, 6, 7, 10, 11, 12, 15, 16
10.	A/YL-ST/513	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	22.12.2017 Approved by RNTPC (3 years)	1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16

*denotes permission revoked

Approval Conditions

- (1) Setting back of the existing run-in/out of about 1.6m from kerbline / existing run-in connecting should be maintained at all times
- (2) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period
- (3) Setting back of the western boundary of the site at least 1.5m from the centreline of the existing 150mm diameter water mains

- (4) Only private car / cars, taxis, light vans and motorcycles / 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 at any time during the planning approval period /
- (5) No car washing and vehicle repair / dismantling, paint spraying or other workshop were allowed on the site at any time during the planning approval period
- (6) A notice should be posted at a prominent location of the site to indicate that only private cars / no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the application site at any time during the planning approval period
- (7) Paving and boundary fencing on the site should be maintained at all times during the planning approval period
- (8) No queuing and no reverse movement of vehicles is allowed on public road
- (9) Submission and provision of a proper footpath proposal
- (10) Existing landscape planting / trees / vegetations on the site should be maintained at all times during the planning approval period / submission and implementation of compensatory planting scheme for the site / submission of a tree preservation proposal
- (11) Existing drainage facilities on the site should be maintained at all time during the planning approval period / implementation of accepted drainage proposal / submission of a condition record of the existing drainage facilities/drainage proposal including detailed hydraulic calculation/an as-built drainage plan and photographic records of the existing drainage facilities
- (12) Submission / implementation of fire service installations proposal
- (13) Submission of a layout plan of the vehicle park
- (14) Submission of buffer area proposal fronting Castle Peak Road - Chau Tau
- (15) Revocation clause
- (16) Reinstatement clause

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</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 on review	1, 2

Rejection Reasons:

- (1) The development was not in line with the planning intention of the "Green Belt" ("GB") zone. The applicant failed to provide strong planning justification for departing from the planning intention, even on a temporary basis.
- (2) The development was not in line with TPB PG-No. 10 as there were no exceptional circumstances that warrant approval of the application. The encroachment into the "GB" zone had degraded the natural landscape of the affected area. The applicant also failed to demonstrate that temporary public vehicle park would not have adverse landscape, traffic and drainage impacts on the surrounding 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 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 GL of about 110m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible from Lok Ma Chau 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 lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Furthermore, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. Applications for any of the above 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 applications will be approved. If such applications are 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 his department does not and will not maintain any access connecting the Site and Lok Ma Chau Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note CE/RD2-2, RDO, HyD's comments that part of the Site falls within the area of influence of the possible long term extension of Northern Link to Lok Ma Chau;
- (e) to note CE/MN, DSD's comments that he notes that the applicant implemented the drainage facilities on site under previous Application No. A/YL-ST/444 and the drainage implementation works were considered satisfactory. Under current application, the planning area is not much different from the previous application. The applicant should confirm if they would adopt the same drainage facilities and if positive, provide DSD the approved drainage proposal under Application No. A/YL-ST/444 (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 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 all drainage works on site under proper maintenance at all times;

- (f) to note D of FS's 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. In addition, the applicant should also be 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 FSIs 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 Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note CE/C, WSD's comments that existing water mains will be affected. A Waterworks Reserve within 1.5 metres from the centreline of the water mains shall be provided to 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. 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;
- (h) 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 Site office as temporary buildings) are to be carried out on the Site, the 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;
- (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.