

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC)	Approval Conditions
1.	A/YL-ST/84	Temporary container tractor/trailer park for 12 months	28.5.1999 Approved by RNTPC (12 months)	1, 2, 7
2.	A/YL-ST/96	Temporary container tractor/trailer park with ancillary repair area for a period of 12 months	10.9.1999 Approved by RNTPC (12 months)	1, 2, 3, 7
3.	A/YL-ST/228*	Proposed temporary sales office for container tractors for a period of 3 years	7.3.2003 Approved by RNTPC (3 years) (revoked on 7.9.2003)	1, 2, 7, 8
4.	A/YL-ST/260	Temporary open storage of recycling metal (mainly aluminum cans) with ancillary office for a period of 3 years	27.2.2004 Approved by RNTPC (3 years)	1, 2, 6, 7, 8
5.	A/YL-ST/335	Temporary open storage of recyclable metal with ancillary office for a period of 3 years	27.7.2007 Approved by RNTPC (3 years)	1, 2, 3, 4, 5, 7, 8
6.	A/YL-ST/389	Temporary open storage of recyclable metal with ancillary office for a period of 3 years	16.7.2010 Approved by RNTPC (3 years)	1, 2, 3, 4
7.	A/YL-ST/454	Temporary open storage of recyclable metal with ancillary office for a period of 3 years	13.3.2015 Approved by RNTPC (3 years)	1, 2, 3, 4, 5, 7, 8, 9, 10

*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of landscaping/landscape and tree preservation proposals / landscape planting on the site should be maintained at all times during the approval period.
- (2) The submission of drainage proposals and provision of drainage facilities/submission of a condition record of the existing drainage facilities/ drainage facilities on the site should be maintained at all times during the approval period.
- (3) No operation between specific time periods.
- (4) No operation on Sundays and public holidays.
- (5) The provision of 9-litre water type/3 kg dry powder fire extinguisher in each of the container-converted site offices / the submission of fire service installations proposal and provision of fire service installations
- (6) The submission of internal traffic layout of the site and provision of vehicle turning facilities and loading/unloading spaces.
- (7) Reinstatement Clause
- (8) Revocation Clause
- (9) No workshop activity is allowed on site.
- (10) Maintenance of paving and boundary fencing on site.

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/YL-ST/165	Temporary container tractor/trailer park with ancillary repair area for a period of 3 years	30.3.2001 Rejected by RNTPC	1, 2

Main Reasons for Rejection:

- (1) There is insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and sewage impacts on the surrounding areas including the nearby residential use and the Deep Bay.
- (2) The approval of the application would set an undesirable precedent for other similar applications within the "Residential (Group D)" zone. The cumulative effect of approving such similar applications would result in a general degradation of the ecology and environment in the area.

**Similar s.16 applications within the same “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)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/277*	Temporary Open Storage of Recyclable Metal for a Period of 3 Years	14.1.2005 Approved by RNTPC (up to 27.2.2007) (revoked on 14.1.2006)	1 to 4
2.	A/YL-ST/419	Temporary Open Storage of Recyclable Materials with Ancillary Site Office for a Period of 3 Years	21.6.2013 Approved by RNTPC (3 years)	All

*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of landscaping and tree preservation proposals / the implementation of accepted landscape and tree preservation proposal
- (2) The submission of drainage proposals and provision of drainage facilities / drainage facilities on the site should be maintained at all times during the approval period.
- (3) Reinstatement Clause
- (4) Revocation Clause
- (5) The setting back of the southern boundary of the site to avoid encroachment on the works limit of the existing Government projects.
- (6) No operation between specific time periods.
- (7) No operation on Sundays and public holidays.
- (8) No workshop activity is allowed on site.
- (9) Maintenance of paving on site.
- (10) Maintenance of a vehicular access/run-in between the site and Castle Peak Road – San Tin
- (11) Restriction of reversing in or out from the site.
- (12) the setting back of the northeastern boundary of the site to avoid encroachment on the site of the proposed sewage pumping station.
- (13) Restriction on the types of materials stored
- (14) Restriction on types of vehicles parked/stored on the site.
- (15) The provision of fire extinguisher(s) / the implementation of accepted fire service installations proposal.
- (16) The provision of boundary fencing.
- (17) Revocation Clause.
- (18) Reinstatement Clause.

Good Practice Guidelines for open storage sites

		Internal access for fire appliances	Lot boundaries (Clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks : Smoking and naked flame activities shall not be allowed within the open storage /recycling site.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied development/use at the Site;
- (c) to note DLO/YL, LandsD's comments that the Site is accessible from Castle Peak Road – San Tin through Government Land (GL). His office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. 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. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord as 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 the payment of premium or fee, as may be imposed by the LandsD;
- (d) to note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) 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. HyD does not and will not maintain any access connecting the Site and Castle Peak Road – San Tin;
- (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. 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; (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and (iii) good practice guidelines for open storage should be adhered to (**Appendix IV**). To address this additional approval condition, the applicant is advised to submit a valid fire certificate (FS251) to his Department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (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 before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW) under the BO. An Authorized Person 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 BD 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 Site is the subject of 8 previous applications with the last application No. A/YL-ST/454. However, the site area of the last application is larger than that of the current application. In addition the drainage information mentioned in the Planning Statement are considered insufficient. In this respect, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site. After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with 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 the 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. 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 is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. 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 facilities on site under proper maintenance during occupancy of the Site;

- (i) to note C of P's comments that obstruction to the road access to the vicinity would not be tolerated;
- (j) to note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and
- (k) to note DEP's advice to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize potential environmental impacts on the surrounding area.

