

Previous Applications covering the Site

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-ST/10	Temporary Container Vehicle Park for a Period of 3 years	23.7.1993 Approved by RNTPC (3 years)	1, 2, 3, 14
2.	A/YL-ST/11	Temporary Container Trailer Park and Open Storage of Containers for a Period of 3 Years	18.10.1996 Approved by RNTPC (3 years)	1, 2, 3, 5
3.	A/YL-ST/92	Temporary Container Tractor/Trailer Park for a Period of 3 Years	13.8.1999 Approved by RNTPC (up to 31.12.2000)	1, 2, 5, 9
4.	A/YL-ST/105	Temporary Open Storage of Containers and Vehicle Repair Workshop for a Period of 3 Years	5.11.1999 Approved by RNTPC (3 years)	1, 2, 5, 9, 14, 15
5.	A/YL-ST/239*	Temporary Public Vehicle Park (including Private Cars and Container Trailers/Tractors) and Container Storage with Ancillary Facilities (including Vehicle Repair Workshop and Site Offices) for a Period of 3 Years	13.6.2003 Approved by RNTPC (3 years) (revoked on 13.2.2006)	1, 2, 5, 7- 9, 10, 12, 13
6.	A/YL-ST/316*	Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) and Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen) for a Period of 3 Years	4.8.2006 Approved by RNTPC (12 months) (revoked on 4.7.2007)	1, 2, 4, 7- 9, 11, 12
7.	A/YL-ST/344	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	16.11.2007 Approved by RNTPC (3 years)	1, 2, 4, 8- 11

		Material for a Period of 3 Years		
8.	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, 4-10
9.	A/YL-ST/442	Temporary Public Vehicle Park (including Private Cars, Container Vehicle and Heavy Goods Vehicle) 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, 4-9
10.	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, 4-9

*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of landscaping proposal/The landscape planting on site should be maintained at all times during the planning approval period/The provision of replacement tree planting for the site.
- (2) The submission and implementation of drainage proposal/The submission of a Drainage Impact Assessment (DIA) and implementation of the drainage facilities proposed in the approved DIA/The existing drainage facilities on the site should be maintained at all times during the planning approval period/The submission of an as-built drainage plan and photographic records of the existing drainage facilities.

- (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.
- (5) Paving and boundary fencing on the site should be maintained at all times during the planning approval period/Fencing (and paving) of the site.
- (6) No operation between 11:00 p.m. and 7:00 a.m. for parking of container vehicles and heavy goods vehicles, vehicle repairing activities, and cargo handling and forwarding services is allowed on the site at any time during the planning approval period.
- (7) No vehicle without valid licence issued under the Road Traffic Ordinance are allowed to be parked/store on the site.
- (8) Revocation clause.
- (9) Reinstatement clause.
- (10) Setting back the boundary of the site to avoid encroachment onto the administrative protection boundary of Northern Link/the area within KCRC's 30m railway protection zone and gazette alignment of the 'Sheung Shui to Lok Ma Chau Spur Line' and project limit of 'Railway Development Study 2000 Northern Link Influence Area' as and when required by the Government.
- (11) The submission of a proper run-in proposal and provision of a proper run-in.
- (12) The submission of a revised Traffic Impact Assessment and implementation of the traffic management scheme as proposed in the approved revised TIA.
- (13) No canteen was allowed on the site.
- (14) The provision of sewage and waste water treatment and disposal facilities.
- (15) The stacking height of the materials stored within 5m of the periphery of the application site should not exceed the height of the boundary fence.

**Similar Applications within “U” zone
on the approved San Tin OZP No. S/YL-ST/8**

Approved s.16 Applications

	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/392	Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	28.1.2011 Approved by RNTPC (3 years)	4, 5, 7, 8, 9, 12, 13, 16, 17, 18, 19
2.	A/YL-ST/394	Renewal of Planning Approval for Temporary Public Car Park with Ancillary Office (3 years)	28.1.2011 Approved by RNTPC (3 years)	4, 5, 9, 16, 17, 18
3.	A/YL-ST/400*	Proposed Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area (3 years)	1.4.2011 Approved by RNTPC (3 years) (revoked on 1.1.2013)	1, 5, 6, 9, 16, 17, 18
4.	A/YL-ST/407	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) (3 years)	16.12.2011 Approved by RNTPC (3 years)	1, 5, 6, 9, 16, 17, 18
5.	A/YL-ST/409	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) (3 years)	20.1.2012 Approved by RNTPC (3 years)	4, 5, 6, 9, 16, 17, 18
6.	A/YL-ST/427	Temporary Public Vehicle Park (Excluding Container Vehicle) (3 years)	7.12.2012 Approved by RNTPC (3 years)	4, 5, 6, 9, 16, 17, 18
7.	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) (3 years)	16.8.2013 Approved by RNTPC (3 years)	1, 5, 6, 9, 16, 17, 18
8.	A/YL-ST/441	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	3.1.2014 Approved by RNTPC (3 years)	4, 5, 6, 7, 8, 9, 12, 13, 16, 17, 18, 19

9.	A/YL-ST/444	Temporary Public Car Park with Ancillary Office (3 years)	9.5.2014 Approved by RNTPC (3 years)	1, 5, 6, 7, 8, 9, 13, 16, 18
10.	A/YL-ST/448	Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area (3 years)	12.9.2014 Approved by RNTPC (3 years)	2, 4, 6, 7, 8, 9, 13, 16
11.	A/YL-ST/456	Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicle) (3 years)	2.1.2015 Approved by RNTPC (3 years)	1, 5, 6, 7, 8, 9, 13, 16, 18
12.	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) (3 years)	22.5.2015 Approved by RNTPC (3 years)	1, 5, 6, 7, 8, 9, 13, 16, 18
13.	A/YL-ST/497	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	9.12.2016 Approved by RNTPC (3 years)	1, 5, 7, 8, 9, 12, 13, 16, 17, 18, 19
14.	A/YL-ST/513	Renewal of Planning Approval for Temporary "Public Vehicle Park (excluding container vehicle)" (3 years)	22.12.2017 Approved by RNTPC (3 years)	2, 4, 7, 8, 9, 13, 16, 19, 20, 21, 22
15.	A/YL-ST/523	Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) (3 years)	18.5.2018 Approved by RNTPC (3 years)	1, 5, 7, 8, 9, 13, 16, 18, 22, 23, 24
16.	A/YL-ST/530	Temporary Public Car Park with Ancillary Office (3 years)	5.10.2018 Approved by RNTPC (3 years)	2, 4, 7, 8, 9, 16, 19, 20
17.	A/YL-ST/543	Temporary Open Storage of General Goods and Public Vehicle Park (Private Cars only) with Ancillary Site Office (3 years)	31.5.2019 Approved by RNTPC (3 years)	2, 5, 6, 7, 8, 9, 16, 17, 20
18.	A/YL-ST/549	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) (3 years)	5.7.2019 Approved by RNTPC (3 years)	2, 5, 6, 7, 8, 9, 13, 16, 20

19.	A/YL-ST/563	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	17.1.2020 Approved by RNTPC (3 years)	5, 7, 9, 12, 16, 17, 18, 19, 20
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*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of landscaping proposals (with tree preservation scheme and compensatory planting scheme).
- (2) The submission of drainage proposals/submission of a DIA and the implementation of flood mitigation measures/ The design and provision of storm water drainage facilities to mitigate flooding (and provision of drainage facilities).
- (3) The provision of replacement tree planting for the site.
- (4) The existing landscape planting/vegetation on the site should be maintained during the planning approval period.
- (5) The existing/implemented drainage facilities on the site should be maintained during the planning approval period.
- (6) The provision of boundary fencing on the site.
- (7) Revocation clause.
- (8) Reinstatement clause.
- (9) No vehicles without valid licence issued under the Road Traffic Ordinance are allowed to be parked/ stored on the site/ restrictions of and/or posting of a notice indicating the types of vehicles as defined under Road Traffic Ordinance to access/be parked on the site.
- (10) The submission of a traffic impact assessment and the implementation of road improvement.
- (11) Setting back the eastern boundary of the site abutting Lok Ma Chau Road to avoid encroachment on the gazette alignment of the Sheung Shui to Lok Ma Chau Spur Line.
- (12) The restriction of the stacking height of materials.
- (13) No canteen/ no car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site.
- (14) The setting back the boundary of the site to avoid encroachment onto the area within KCRCs 30m railway protection zone and gazetted alignment of the Sheung Shui to Lok Ma Chau Spur Line and project limit of Railway Development Study 2000 Northern Link Influence Area as and when required by Government departments.
- (15) The submission and implementation of run-in proposal.
- (16) The submission and provision of fire services installation/ the provision of fire extinguisher(s).
- (17) No night-time operation/operation on Sundays and public holidays.
- (18) The submission of a condition record of the existing drainage facilities.
- (19) The maintenance of the paving and/or boundary fencing on the site.
- (20) No queuing and no reverse movement of vehicles is allowed on public road/onto/from the site at any time during the planning approval period.
- (21) The existing run-in connecting Lok Ma Chau Road on the site shall be maintained at all times during the planning approval period.
- (22) The submission and implementation of layout plan of the vehicle park.
- (23) The setting back of the western boundary of the site at least 1.5m from the centreline of the existing 150mm diameter water mains at any time during the planning approval period.

- (24) The maintenance of the buffer area within the site fronting Castle Peak Road – San Tin to avoid queuing on Castle Peak Road – San Tin at all times during planning approval period.

Rejected s.16 Application

<u>No.</u>	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-ST/417	Proposed Temporary Public Vehicle Park (for Private Cars Only) (3 years)	10.5.2013 Rejected by TPB on review	1, 2

Rejection Reasons:

- 1 The temporary development is not in line with the planning intention of the “GB” zone. The applicant fails to provide strong planning justification for departing from the planning intention, even on a temporary basis.
- 2 The temporary development is not in line with TPB PG-No. 10 as there are no exceptional circumstances that warrant approval of the application the encroachment into the “GB” zone has degraded the natural landscape of the affected area. The applicant also fails 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 note DLO/YL, LandsD's comments that the a portion of GL with an area of about 593m² of the Site is covered by a Short Term Tenancy (STT) No. 2889 for the purpose of "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". No permission is given for occupation of the remaining GL with an area of about 655m² (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 are covered by various Short Term Waivers (STW). The STT/STW holders will need to be apply to his office for modification of the STT/STW conditions where appropriate. 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. Moreover, the owner of the lot(s) without STW will need to apply to his office for permitting 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. 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 rent or fee, as may be imposed by the LandsD;
- (b) to note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Lok Ma Chau Road. Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (c) to note CE/RD 2-2, RDO, HyD's comments that the Site falls within the protection boundary of the East Rail Line (ERL). As the operation of the existing railway system is not under the justification of his office, he has no comment on the subject in this aspect. However, with reference to the procedures in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers Administration-2 (PNAP ADM-2), the applicant should consult MTRCL with respect to operation maintenance, safety and future construction of the existing railway system accordingly. The Site also falls within the administrative route protection boundary of the Northern Link (NOL) to Lok Ma Chau, which the proposed NOL is a recommended railway scheme under the possible bifurcation of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the possible bifurcation of the NOL and subject to nuisance, such as noise and vibration of the possible bifurcation of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of the possible bifurcation of the NOL;
- (d) 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 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 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (e) to notes CBS/NTW, BD's comments that there is no record of approval by the Building Authority (BA) for the structures existing at the Site. 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 BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD 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 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;
- (f) to note CE/MN, DSD's comments that the applicant implemented drainage facilities on Site under previous planning application No. A/YL-ST/501. The relevant drainage proposal and implementation works were considered satisfactory at that time. The applicant should provide DSD 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. The photos included in the Planning Statement (**Appendix Ia**) by the applicant is considered insufficient for the purpose. 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 the applicant's 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;
- (g) to note CE/C, WSD's comments that existing water mains will be affected. The applicant 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, a waterworks reserve with 1.5m measuring from the centerline of the affected water mains shall be provided to the satisfaction of WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. No trees/shrubs shall be planted within the waterworks reserve. 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. Fresh water from Government mains shall not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use water from the mains for such purposes may be given on concessionary supply basis if an alternative supply is impracticable and evidence to that effect is offered to and accepted by the Water Authority. Such permission will be withdrawn if in the opinion of the Water Authority the supply situation requires it; and

- (h) the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize potential environmental impacts on the surrounding areas.

