

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)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/84	Temporary container tractor/trailer park for a period of 12 months	28.5.1999 Approved by RNTPC (12 months)	2, 3, 15
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)	2, 3, 6, 15
3.	A/YL-ST/191	Temporary parking of container tractors/trailers with vehicle repair areas and canteen for a period of 3 years	15.3.2002 Approved by RNTPC (3 years)	2, 3, 4, 5, 11, 12, 14, 15
4.	A/YL-ST/281	Temporary maintenance depot for cranes for a period of 3 years	7.10.2005 Approved by TPB on review (12 months)	1, 2, 3, 6, 8, 14, 15
5.	A/YL-ST/319	Renewal of permission for temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	29.9.2006 Approved by RNTPC (3 years)	1, 2, 3, 6, 10, 14, 15
6.	A/YL-ST/374	Renewal of planning approval for temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	18.9.2009 Approved by RNTPC (3 years)	1, 2, 3, 6, 7, 14, 15
7.	A/YL-ST/420	Renewal of planning approval for temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	7.9.2012 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 7, 9, 10, 13, 14, 15
8.	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, 5, 6, 7, 9, 10, 13, 14

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.
- (3) The submission and implementation of landscaping and/or tree preservation proposals/The landscape planting or existing trees on the site should be maintained at all times during the approval period/ The implementation of accepted tree preservation proposal.
- (4) The submission and provision of environmental mitigation measures and/or sewage treatment

facilities proposals.

- (5) The provision of boundary fencing and/or the paving and/or boundary fencing on the site should be maintained.
- (6) No operation for certain time limit specified in the approved conditions of respective applications.
- (7) No operation on Sundays and public holidays.
- (8) No cutting, dismantling, repairing, paint spraying and workshop activity.
- (9) The submission and provision of buffer area proposal.
- (10) The submission and provision of a proper run-in /a vehicular access/ingress/egress and run-in/car parking arrangement should be maintained.
- (11) Only one access is allowed to serve the development.
- (12) Setting back of the site to exclude the Government land.
- (13) No reversing in or out from the site is allowed at all times during the planning approval period.
- (14) Revocation Clause.
- (15) Reinstatement Clause.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Major 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
2.	A/YL-ST/193	Temporary car repair/spray workshop, open storage of metalwares and vehicle parts and parking of crane lorries for a period of 3 years	12.4.2002 Rejected by RNTPC	1

Rejected Reasons

- (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 particularly or 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 "R(D)" zone
on the San Tin OZP No. S/YL-ST/8

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration	Approval
			(RNTPC/TPB)	Conditions
1.	A/YL-ST/360*	Renewal of Planning Approval for Temporary Open Storage of Containers and Container Trailer Park with Ancillary Facilities (with a 2,000L Diesel Oil Tank) under Application No. A/YL-ST/305 for a Period of 3 Years	13.3.2009 Approved by RNTPC (2 years) [Revoked on 13.10.2010]	1, 2, 3, 4, 6, 7, 8, 13, 16, 17, 18
2.	A/YL-ST/361	Renewal of Planning Approval for Temporary Open Storage of Containers and Container Trailer Park with Ancillary Facilities under Application No. A/YL-ST/306 for a Period of 3 Years	13.3.2009 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 7, 8, 13, 16, 17, 18
3.	A/YL-ST/371	Temporary Public Vehicle Park (Including Container Vehicles and Heavy Goods Vehicles) for a Period of 3 Years	7.8.2009 Approved by RNTPC (3 years)	2, 3, 7, 8, 9, 16, 17
4.	A/YL-ST/373*	Renewal of Planning Approval for Temporary Container Tractor/Trailer Park with Vehicle Repair Areas and Canteen under Application No. A/YL-ST/318 for a Period of 3 Years	18.9.2009 Approved by RNTPC (3 years) [revoked on 18.7.2011]	1, 2, 3, 5, 7, 8, 10, 16, 17
5.	A/YL-ST/375	Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years	18.9.2009 Approved by RNTPC (3 years)	1, 2, 3, 7, 8, 10, 12, 16, 17
6.	A/YL-ST/404	Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park for a Period of 3 Years	17.6.2011 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 16, 17
7.	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) [revoked on 18.6.2014]	1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 16, 17
8.	A/YL-ST/416	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles and Heavy Goods Vehicles) for a	20.7.2012 Approved by RNTPC (3 years)	1, 2, 3, 7, 8, 9, 11, 12, 14, 16, 17, 18

		Period of 3 Years		
9.	A/YL-ST/418	Renewal of Planning Approval for Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office under Application No. A/YL-ST/375 for a Period of 3 Years	7.9.2012 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 10, 12, 14, 16, 17
10.	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)	1, 2, 3, 4, 7, 8, 11, 13, 16, 17
11.	A/YL-ST/468	Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles and Heavy Goods Vehicles) for a Period of 3 Years	17.7.2015 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 9, 16, 17
12.	A/YL-ST/475*	Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years	4.9.2015 Approved by RNTPC (3 years) [revoked on 4.2.2018]	1, 2, 3, 4, 6, 7, 8, 10, 16, 17
13	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)	1, 2, 3, 4, 6, 7, 8, 10, 16, 17
14	A/YL-ST/526	Temporary Public Vehicle Park (Including Container Vehicle and Heavy Goods Vehicle) for a Period of 3 Years	20.7.2018 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 9, 11, 14, 16, 17
15	A/YL-ST/527	Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years	3.8.2018 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 10, 16, 17
16	A/YL-ST/528	Temporary Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Containers Tractors but excluding Trailers) for Sale and a Covered Works Area for a Period of 3 Years	17.8.2018 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 9, 14, 15, 16, 17

*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of fire service installations proposal and/or 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.
- (3) The submission and implementation of landscaping and/or tree preservation proposals/The landscape planting (or existing trees/vegetation) 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) Diversion of existing water mains at the northern part of the site or provision of a 3m-wide Water-works Reserve measuring 1.5m from the centerline of the water mains.
- (6) The setting back of the site boundary to avoid encroachment on the works limit of the drainage improvement project/proposed sewage pumping station/cycle tracks as and when required by Government departments
- (7) No operation for certain time limit specified in the approved conditions of respective applications.
- (8) No operation/no operation for certain time limit on Sundays and public holidays.
- (9) No car washing, cutting, dismantling, repairing and workshop or any other specified vehicle related activities.
- (10) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (11) The submission and provision of buffer area proposal.
- (12) The submission and provision of a proper run-in /a vehicular access and run-in/car parking arrangement should be maintained.
- (13) The stacking height of the containers/materials stored either at specific locations of the site or the entire site should not exceed the specified height.
- (14) 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.
- (15) No heavy goods vehicle and container tractor with trailer is allowed to access the site at any time during the planning approval period.
- (16) Revoke Clause.
- (17) Reinstatement Clause
- (18) The submission of the as-planted/tree survey plan.

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. The GL of the Site is covered by a Short Term Tenancy (STT) No. 2650 for the purpose of "Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop". The private land of Lot Nos. 155 and 157 in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3670 and 3671 respectively to permit structures for the purpose of "Ancillary Structures to Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop". The Site is accessible from 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 subject planning application, the STT/STW holders will need to apply to his office for modification of STT/STW conditions where appropriate. Besides, given the proposed 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 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 HyD does not and will not maintain any access connecting the Site and Castle Peak Road – San Tin. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note CTP/UD&L, PlanD's comments that the applicant may make reference to the following promulgated by the Greening, Landscape and Tree Management (GLTM) Section of Development Bureau (DEVB), for good horticultural practice:
- 減低樹木風險的樹木護養簡易圖解
[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)
 - 樹木管理手冊
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/handbook_TM/HTM_tc_Full_version.pdf

- 護養樹木的簡易圖解

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

- (f) to note D of FS's comments that in consideration of the design/nature of the proposal, fire services installations (FSIs) are anticipated to be required. 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: (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 (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 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 proposed in the application. If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any approved use under the application. 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. 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 UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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 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 Building (Planning) Regulations at the building plan submission stage.
- (h) to note CE/MN, DSD's comments that he has no objection in principle to the application from drainage operation and maintenance point of view. The applicant implemented the drainage facilities on site under previous planning Application No. A/YL-ST/478 and the drainage implementation works were considered satisfactory at that time. Under the current application, the planning area is not much different from the previous application. 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 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 comment 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. 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 FEHD 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.

