

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/268	Temporary Public Car Park for Private Vehicles for a Period of 3 Years	17.7.2004 Approved by RNTPC (2 years)	1, 2, 4, 6, 8, 9, 10
2.	A/YL-ST/345	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	14.12.2007 Approved by RNTPC (3 years)	1, 2, 3, 4, 5, 6, 7, 9, 10

Approval Conditions

- (1) No vehicles exceeding 5.5 tonnes including medium and heavy goods vehicles and container vehicles / no heavy vehicles including container vehicles were allowed to be parked/stored on the site.
- (2) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked / stored on the site.
- (3) No car washing and vehicle repair workshop or other workshop activities.
- (4) Submission and implementation of landscaping proposals / maintenance of existing vegetation and implementation of compensatory planting.
- (5) Submission of a proper run-in proposal and provision of a proper run-in
- (6) Submission and implementation of drainage proposal / maintenance of drainage facilities and submission of a condition record of the existing drainage facilities.
- (7) Provision of a 9-litre water type/3kg dry powder fire extinguisher for the site office.
- (8) Submission of traffic assessment and implementation of the traffic management schemes proposed.
- (9) Revocation Clause
- (10) Reinstatement Clause

Rejected Application

<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/139	Temporary container tractor/trailer park for a period of 3 years	25.8.2000 Rejected by RNTPC (2 years)	All

Rejection Reasons

- (1) The development is not in line with the planning intention of the "V" zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. There is no strong justification in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development is not compatible with the nearby village settlements.
- (3) There is insufficient information in the submission to demonstrate that a proper vehicular access can be provided for the development
- (4) There is insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas
- (5) The approval of the application would set an undesirable precedent for other similar applications within the "V" zones. The cumulative effect of approving similar applications would result in a general degradation of the environment in the area.

**Similar s.16 Applications within "V" 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)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/356	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	17.4.2009 Approved by RNTPC (2 years)	1, 2, 3, 6, 8, 9, 13, 14
2.	A/YL-ST/358	Temporary Public Car Park. (Excluding Lorries and Container Tractors/Trailers) for a Period of 3 Years	27.2.2009 Approved by RNTPC (3 years)	1, 2, 3, 6, 8, 9, 10, 13, 14
3.	A/YL-ST/368	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/351 for a Period of 2 Years	19.6.2009 Approved by RNTPC (2 years)	1, 2, 3, 6, 8, 10, 13, 14
4.	A/YL-ST/376	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	23.10.2009 Approved by RNTPC (3 years)	1, 2, 3, 6, 8, 9, 13, 14
5.	A/YL-ST/377	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	23.10.2009 Approved by RNTPC (3 years)	1, 2, 3, 6, 8, 9, 13, 14
6.	A/YL-ST/391	Renewal of Planning Approval for Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	26.11.2010 Approved by RNTPC (3 years)	1, 2, 3, 6, 8, 9, 10, 13, 14
7.	A/YL-ST/397	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/356 for a Period of 3 Years	18.3.2011 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 8, 9, 10, 13, 14
8.	A/YL-ST/398*	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/349 for a Period of 3 Years	18.3.2011 Approved by RNTPC (2 years) [revoked on 8.2.2013]	1, 2, 3, 4, 6, 8, 9, 10, 13, 14
9.	A/YL-ST/402	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/368 for a Period of 2 Years	6.5.2011 Approved by RNTPC (2 years)	1, 2, 3, 4, 6, 8, 9, 10, 13, 14

10.	A/YL-ST/422	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	5.10.2012 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14
11.	A/YL-ST/423	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	5.10.2012 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14
12.	A/YL-ST/433	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years	7.6.2013 Approved by RNTPC (2 years)	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14
13.	A/YL-ST/436	Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years	16.8.2013 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 8, 9, 10, 13, 14
14.	A/YL-ST/470	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years	7.8.2015 Approved by RNTPC (2 years)	1, 2, 3, 4, 6, 8, 9, 10, 11, 14
15.	A/YL-ST/472*	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Year	4.9.2015 Approved by RNTPC (3 years) [revoked on 24.7.2016]	1, 2, 3, 4, 6, 8, 9, 10, 13, 14
16.	A/YL-ST/491	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years	12.8.2016 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14
17.	A/YL-ST/514	Temporary Public Vehicle Park (excluding container vehicle) for a Period of 2 Years	22.12.2017 Approved by RNTPC (2 years)	1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14
18.	A/YL-ST/531	Temporary Parking of Private Vehicles for a Period of 3 Years	5.10.2018 Approved by RNTPC (3years)	1, 4, 5, 8, 9, 10, 13, 14

*denotes permission revoked

Approval Conditions

- (1) Only private cars as defined in the Road Traffic Ordinance / no vehicles exceeding 5.5 tonnes including medium and heavy goods vehicles and container vehicles / only private cars (and taxis and light vans) / no heavy vehicles (including container vehicles and lorries) were allowed to be parked on the site.
- (2) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (3) No car washing and vehicle repair workshop / and canteen / dismantling, paint spraying or other workshop activities.
- (4) A notice should be posted at a prominent location of the site to indicate that only private cars / only private cars, taxis and light vans / no heavy vehicles (including container vehicles and lorries) / no medium or heavy goods vehicle (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 site.
- (5) No vehicle is allowed to queue back to public road or reverse onto/from the site.
- (6) Submission and implementation of landscaping proposals/compensatory planting/landscape and tree preservation proposal / maintenance of landscape planting/existing vegetation / implementation of reinstatement planting.
- (7) Provision of vehicular ingress/egress points / proper site access arrangement / provision of a proper run-in / submission and implementation of vehicular access arrangement proposal.
- (8) Provision of (stormwater) drainage facilities / submission and implementation of drainage proposal / maintenance of drainage facilities / submission of a condition record of the existing drainage facilities / submission of DIA / submission of an as-built drainage plan and photographic records of the existing drainage facilities.
- (9) Paving of the site to minimize the dust disturbance / maintenance of paving and/or boundary fencing / hard paving, perimeter ditches with oil interceptors.
- (10) Provision of a 9-litre water type/3kg dry powder fire extinguisher for the site office / submission and implementation of fire service installations proposal.
- (11) Submission and implementation of a car parking plan / parking layout plan.
- (12) Implementation of the buffer zone.
- (13) Revocation clause.
- (14) Reinstatement clause.



Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site and the access to 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 Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible from Tung Wing On Road through Government land (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. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. 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 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 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 (TD). The land status of the local access road should be clarified with 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. His office received several enquiries on the need of motorcycle parking at San Tin area. The applicant is invited to consider providing motorcycle parking spaces within the Site;
- (e) to note CHE/NTW, HyD's comments that the proposed access arrangement of the Site from Tung Wing On Road should be commented by TD. Highways Department does not and will not maintain any access connecting the Site and Tung Wing On Road. The applicant should be responsible for his own access arrangement. 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;
- (f) to note CE/MN, DSD's comments that the applicant implemented the drainage facilities on site under previous planning application No. A/YL-ST/345. However, the site coverage of the previous application differs from the present application. In addition, his office has checked that 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 & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference). 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 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 proposal / 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 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 during occupancy of the Site;

- (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 Buildings Department (BD) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for any building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by the Building Authority to effect their removal in accordance with Buildings Department'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 work 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 respectively. If the Site does not abut on a specified street of not less than 4.5 m 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 D of FS's comments that in consideration of the design/nature of the proposal, fire service installations (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 reminded 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note DEFH'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 and/or 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 its subsidiary legislation and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to 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

- (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 areas.

