

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

<b>No.</b>	<b>Application No.</b>	<b>Proposed Uses</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Conditions</b>
1.	A/YL-ST/98	Temporary Vehicle Repair Workshop and Canteen for 12 Months	8.10.1999 Approved by RNTPC (12 Months)	(2), (3), (4), (8) & (12)
2.	A/YL-ST/184	Temporary vehicle repair workshop (tyre and electronic parts only) for a period of 3 years	1.3.2002 Approved by RNTPC (3 years)	(2), (4), (5), (6), 11 & 12
3.	A/YL-ST/296	Temporary sales office for container tractors and medium goods vehicles with ancillary maintenance workshop for a period of 3 years	13.1.2006 Approved by RNTPC (3 years)	(1), (2), (3), (6), (8), (9), (11) & (12)
4.	A/YL-ST/370	Temporary Sales Office for Container Tractors/Medium Goods Vehicles and Retail Shop for Building Materials for a Period of 3 Years	10.7.2009 Approved by RNTPC (3 years)	(1), (2), (3), (8), (9), (10), (11) & (12)
5.	A/YL-ST/429	Temporary Retail Shop (Container Tractors, Medium Goods Vehicles, Forklifts and Building Materials) for a Period of 3 Years	25.1.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (8), (9), (10), (11) & (12)
6.	A/YL-ST/484	Temporary Retail Shop (Container Tractors, Medium Goods Vehicles, Vehicle Parts and Building Materials) for a Period of 3 Years	5.2.2016 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (8), (9), (10) & (11)

**Approval Conditions**

- (1) The submission and implementation of fire service installations proposal / the provision of 9-litre water type/3kg dry powder fire extinguisher.
- (2) The submission and implementation of drainage proposal / The provision of drainage facilities proposed / The existing drainage facilities on the site should be maintained at all times during the planning approval period / The submission of a photographic record of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals / The landscape planting or existing 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) The submission and implementation of environmental mitigation measures and sewage treatment facilities proposal.
- (6) Submission and implementation of site access arrangement proposal/ provision of ingress/egress to the site.
- (7) The submission and implementation of proposal on provision of buffer zone.
- (8) No operation during specific time periods.
- (9) No operation on Sunday or public holidays.
- (10) No car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing are allowed on the site.
- (11) Revocation Clause.
- (12) Reinstatement Clause.

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Main Reasons for Rejection</u></b>
1.	A/YL-ST/164	Temporary vehicle repair workshop with canteen for a period of 3 years	16.2.2001 Rejected by RNTPC	(1) & (2)
2.	A/YL-ST/174	Temporary vehicle repair workshop (tyre and electronic parts only) for a period of 3 years	7.9.2001 Rejected by RNTPC	(1)

**Main Reasons for Rejection:**

- (1) There is insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and sewerage impacts on the surrounding areas.
- (2) The approval of the application would set an undesirable precedent for other similar applications within the "R(D)" zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Similar Approved s.16 Applications  
within "R(D)" zone on the San Tin OZP No. S/YL-ST/8 since 2009**

<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/365	Temporary Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractors but excluding Trailers) for Sale and a Covered Works Area for a Period of 3 Years	22.5.2009 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (7), (8), (9), (10), (12) & (13)
2.	A/YL-ST/366*	Temporary Retail Shop for Vehicle Parts and Accessories with Ancillary Facilities for a Period of 3 Years	19.6.2009 Approved by RNTPC (3 years) (revoked on 9.10.2009)	(1), (2), (3), (4), (5), (9), (10), (12) & (13)
3.	A/YL-ST/369*	Temporary Retail Shop to Sell Vehicle Parts and Accessories for a period of 3 years	10.7.2009 Approved by RNTPC (3 years) (revoked on 10.5.2012)	(1), (2), (3), (5), (9), (10), (12) & (13)
4.	A/YL-ST/413	Renewal of Planning Approval for Temporary Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractors but excluding Trailers) for Sale and a Covered Works Area under Application No. A/YL-ST/365	18.5.2012 Approved by RNTPC (3 years)	(1) - (13)
5.	A/YL-ST/460	Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities for a Period of 3 Years	8.5.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (8), (9), (10), (12) & (13)
6.	A/YL-ST/461	Renewal of Planning Approval for Temporary Open Storage of Second Hand Motor Vehicles (Including Medium Goods Vehicles and Container Tractors but Excluding Trailers) for Sale and a Covered Works Area for a Period of 3 Years	8.5.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12) & (13)
7.	A/YL-ST/511	Proposed Temporary Open Storage and Retail Shop of Vehicle Parts and Accessories for a Period of 3 Years	8.12.2017 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (8), (9), (10), (12) & (13)
8.	A/YL-ST/524	Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities for a Period of 3 Years	1.6.2018 Approved by RNTPC (3 years)	(1), (2), (3), (4), (8), (9), (10), (12) & (13)

\*denotes permission revoked

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 submission of as-built drainage plans and photographic records of the existing drainage facilities / 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 tree preservation proposals / the landscape planting or existing vegetation on the site should be maintained at all times during the approval period / the implementation of compensatory planting.
- (4) The provision of boundary fencing and/or the paving / the paving and boundary fencing on the site should be maintained.
- (5) The submission and provision of ingress and egress/a (proper) run-in/a vehicular access and run-in/car parking arrangement should be maintained.
- (6) The submission and provision on buffer area.
- (7) No operation on Sundays and public holidays.
- (8) No operation during specific time periods.
- (9) No cutting, dismantling, repairing and workshop activities, including container repairs and vehicle repairs, car washing, cleaning or any other workshop activities are allowed at any time on the application site.
- (10) No vehicles without valid licenses issued under the Road Traffic Ordinance were allowed to be parked/stored on the site / no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container tractors/trailers / no heavy vehicles including container vehicles, trailers and tractors as defined in the Road Traffic Ordinance are allowed to be parked/stored.
- (11) No reverse into or out of the site.
- (12) Revocation Clause.
- (13) Reinstatement Clause.

**Recommended Advisory Clauses**

- (a) to resolve any land issues relating to the development 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 is accessible from Castle Peak Road - San Tin through GL and his Office provides no maintenance work for the GL involved and does not guarantee right-of-way. The STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. Moreover, the lot owner of the lots without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities 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. 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 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 LandsD;
- (d) to note CHE/NTW, HyD's comments that the applicant should construct a run in/out at the access point at the Castle Peak Road - San Tin in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The detailed design of the run-in/out should be submitted to HyD for agreement before commencement of any works. 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 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 Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note CBS/NTW, BD's comments that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any applied 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/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 UBW. An Authorized Person 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 (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;

- (g) to note CE/MN, DSD's comments that the application is related to previous planning application No. A/YL-ST/484. The applicant should provide DSD the approved drainage proposal under planning application No. A/YL-ST/484 (with approval letter) for reference, and a set of latest record photographs showing the completed drainage works (including internal conditions of the drains) 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 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 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 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 at all times;
- (h) to note CTP/UD&L, PlanD's comments that no material shall be stored and no vehicle shall be parked within 1m of any tree to prevent damage to tree trunk/branches and soil compaction around the tree base;
- (i) to note C of P's comments that obstruction to the vicinity would not be tolerated and stringent enforcement action would be taken when necessary;
- (j) to note DEFH's comments that 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
- (k) 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.