

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

**Approved 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>Approval Conditions</u></b>
1.	A/YL-ST/135	Proposed Temporary Public Car/Lorry Park with Canteen for a Period of 3 Years	28.7.2000 by RNTPC (3 years)	(2), (3), (4), (10), (12)
2.	A/YL-ST/245	Temporary Public Car/Lorry Park with ancillary facilities (including Canteen & site office) for a Period of 3 Years	15.8.2003 Approved by RNTPC (3 years)	(2), (3), (6), (8), (9), (10), (13), (14)
3.	A/YL-ST/315	Temporary Public Car/Lorry Park with Ancillary Facilities (including Canteen and Site Office) for a Period of 3 Years	4.8.2006 Approved by RNTPC (3 years)	(1), (2), (3), (4), (7), (9), (8), (10), (11), (13), (14)
4.	A/YL-ST/383	Temporary Public Car/Lorry Park with Ancillary Facilities (including canteen and site office) for a Period of 3 Years	15.1.2010 Approved by RNTPC (3 years)	(1), (2), (4), (5), (7), (8), (9), (10), (13), (14)
5.	A/YL-ST/481	Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 tonnes) with Ancillary Facilities (Including Canteen and Site Office) for a Period of 3 Years	19.2.2016 Approved by RNTPC (3 years) [Revoked on 19.7.2018]	(1), (2), (3), (5), (8), (9), (10), (12), (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 tree preservation proposals/The landscape planting on the site should be maintained at all times during the approval period/ the provision of replacement tree planting for the site.
- (4) The provision of noise mitigation measures/ the provision of mitigation measures to minimize the nuisance of artificial lighting on site.
- (5) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (6) The setting back of the site boundary to avoid encroachment on the works limit of the improvement project.
- (7) No operation for certain time limit specified in the approved conditions of respective applications.
- (8) No car washing, vehicle repair, cutting, dismantling, paint spraying and workshop activity.
- (9) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (10) No (medium or) heavy vehicles or container vehicles/container trailers/tractors were allowed to be

parked/stored on the site.

- (11) The submission and provision of a proper run-in /a vehicular access and run-in/car parking arrangement should be maintained.
- (12) The provision of appropriate traffic signs / a notice should be posted at a prominent location of the site to indicate that specific types of vehicles are not allowed to be parked/stored on the site.
- (13) Revocation Clause.
- (14) Reinstatement Clause.

### 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/16	Temporary Container Vehicle/Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	Rejected (6.12.1996)	(1), (2), (3), (4)
2.	A/YL-ST/34	Temporary Container Vehicle/Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	Rejected (22.8.1997)	(1), (2), (3), (4)
3.	A/YL-ST/41	Temporary Container Vehicle/Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	Rejected (21.11.1997)	(1), (2), (3), (4)
4.	A/YL-ST/126	Temporary Container Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 3 years	Rejected (19.5.2000)	(2), (3), (4), (5)

### Main Reasons for Rejection:

- (1) The subject development is not in line with the planning intention of the "Village Type Development" zone for the area which is to designate both existing recognized villages and other suitable areas of land for village expansion. There is no strong justification in the submission to merit a departure from the planning intention even on a temporary basis.
- (2) There is insufficient information in the submission to demonstrate that the subject development will not have adverse impacts e.g. environmental/ drainage on the surrounding areas.
- (3) The approval of the application will set an undesirable precedent for similar applications, the cumulative effect of which will degrade the environment of the area.
- (4) The development is not compatible with the surrounding residential development/ surrounding land uses which are predominantly rural in character.
- (5) The subject development is not in line with the planning intention of the "Village Type Development" zone for the area which is to designate both existing recognized villages and other suitable areas of land for village expansion. As there is a programme for Small House development in the site, there is no strong justification in the submission for a departure from such planning intention, even on a temporary basis.

Similar s.16 Applications within the same "V" zone  
on the San Tin OZP No. S/YL-ST/8

Approved Applications

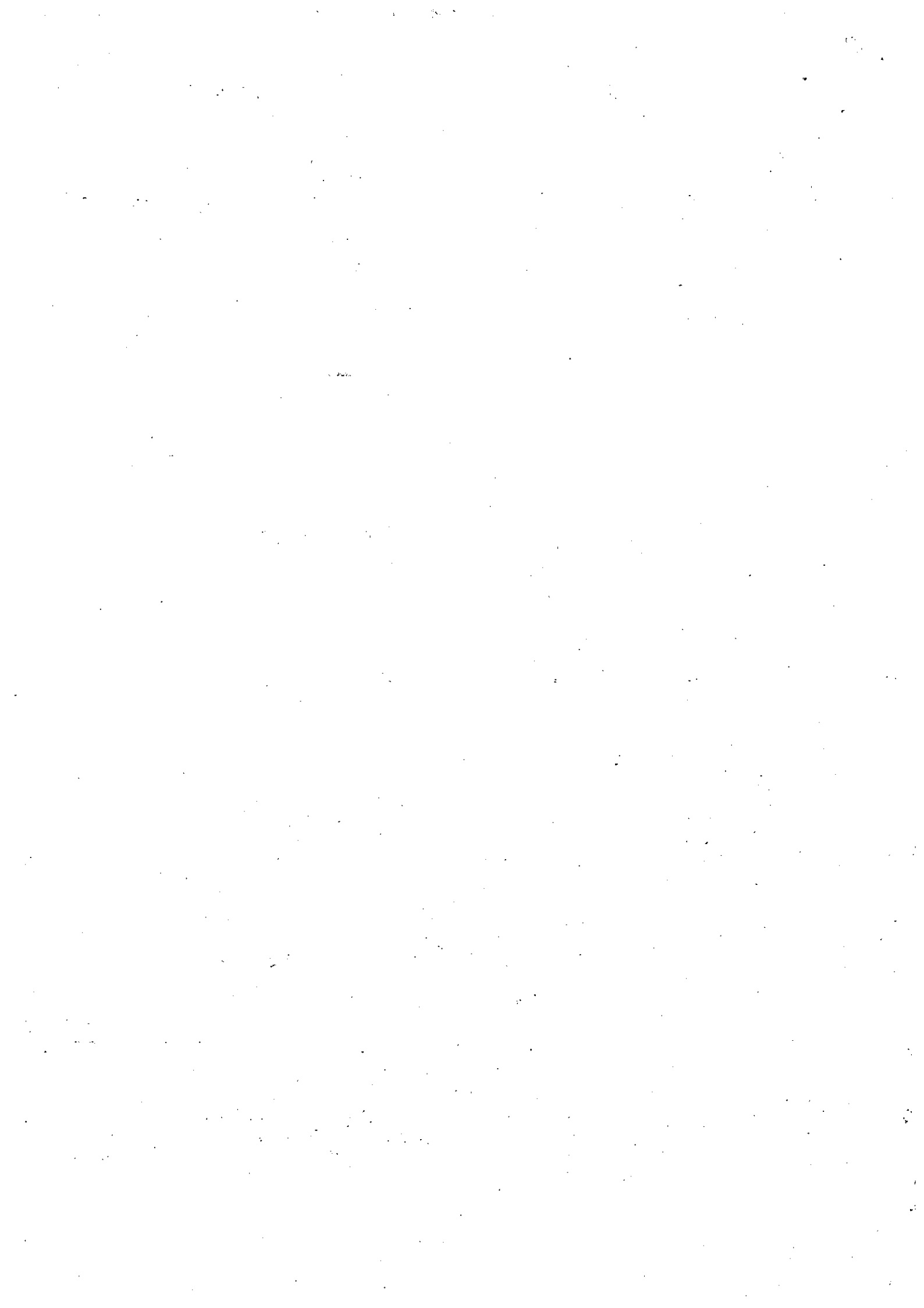
<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/356	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	17.4.2009 Approved by RNTPC (2 years)	(2), (3), (4), (5), (6), (7), (13), (14)
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), (4), (5), (6), (7), (13), (14)
3.	A/YL-ST/368	Renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 2 years	19.6.2009 Approved by RNTPC (2 years)	(1), (2), (3), (5), (6), (7), (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)	(2), (3), (4), (5), (6), (7), (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)	(2), (3), (4), (5), (6), (7), (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), (4), (5), (6), (7), (13), (14)
7.	A/YL-ST/397	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	18.3.2011 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (13), (14)
8.	A/YL-ST/398*	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	18.3.2011 Approved by RNTPC (2 years) [Revoked on 8.2.2013]	(1), (2), (3), (4), (5), (6), (7), (13), (14)
9.	A/YL-ST/402	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years	6.5.2011 Approved by RNTPC (2 years)	(1), (2), (3), (4), (5), (6), (7), (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), (5), (6), (7), (9), (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), (5), (6), (7), (9), (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), (5), (6), (7), (9), (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), (5), (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), (5), (6), (7), (13), (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), (5), (6), (7), (13), (14)
16.	A/YL-ST/479	Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	18.12.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (13)
17.	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), (5), (7), (8), (11), (13)
18.	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), (5), (6), (7), (9), (13), (14)
19.	A/YL-ST/531	Temporary Parking of Private Vehicles for a Period of 3 Years	5.10.2018 Approved by RNTPC (3 years)	(1), (2), (3), (4), (12), (13), (14)
20.	A/YL-ST/536	Temporary Public Vehicle Park (Private Cars only) for a Period of 3 Years	1.2.2019 Approved by RNTPC (3 years)	(1), (2), (3), (8), (12), (13)
21.	A/YL-ST/537	Temporary Public Vehicle Park for Private Car for a Period of 3 Years	22.2.2019 Approved by RNTPC (3 years)	(1), (2), (5), (6), (8), (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 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 implementation of compensatory planting / 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/or boundary fencing on the site should be maintained.
- (5) No car washing, cutting, dismantling, paint spraying, repairing and workshop activity.
- (6) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (7) No medium or heavy goods vehicles (i.e. exceeding 5.5/ 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site / a notice should be posted at a prominent location of the site to indicate what kinds of vehicles were allowed to be parked/stored.
- (8) Only private cars as defined in the Road Traffic Ordinance were allowed to be parked on the site/ a notice should be posted at a prominent location of the site to indicate what kinds of vehicles were allowed to be parked/stored.
- (9) The submission and implementation of parking layout plan with dimensions / designated buffer zone.
- (10) The submission and provision of a proper run-in / a vehicular access and run-in / car parking arrangement.
- (11) Only specified vehicular ingress/egress is allowed.
- (12) No vehicle is allowed to queue back to public road or reverse onto/from the site.
- (13) Revocation Clause.
- (14) Reinstatement Clause.



Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (c) to note DLO/YL's comments that the Site is accessible from Castle Peak Road – San Tin through both Government Land (GL) and private land and his office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to his office to permit 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 application(s) 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 and private lot(s) should be clarified with LandsD by the applicant. 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 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 measure should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note D of FS' 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: (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;
- (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 related to the application. 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 Buildings Ordinance (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 BA 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 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 the applicant obtained approval on the drainage proposal under previous planning application No. A/YL-ST/481 which was later revoked in July 2018. Therefore, it should be processed as a new case. 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](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 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 site 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 vicinity would not be tolerated;



- (j) to note DFEH'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 on the surrounding areas.

