

Previous s.16 Applications covering the application site

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB/AB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/86	Temporary public car park for a period of 3 years	28.5.1999 Approved by RNTPC (3 years)	(2), (3), (10), (14)
2.	A/YL-ST/118*	Proposed temporary open storage of building material, pre-casted facade units and/or vehicle spare parts for a period of 3 years	14.4.2000 Approved by RNTPC (3 years) [revoked on 14.1.2001]	(2), (3), (11), (13)
3.	A/YL-ST/148	Temporary car park for second hand private cars for a period of 3 years	13.10.2000 Approved by RNTPC (3 years)	(2), (3), (8), (13), (14)
4.	A/YL-ST/179	Temporary open storage of second hand motor vehicles (including private cars and tractors but excluding trailers) for sale and a covered works area for a period of 3 years	8.3.2002 Approved by TPB on review (3 years)	(2), (13), (14)
5.	A/YL-ST/290	Temporary open storage of second hand motor vehicles (including private cars and tractors but excluding trailers) for sale and a covered works area for a period of 3 years	29.7.2005 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (7), (8), (13), (14)
6.	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), (6), (7), (8), (10), (13), (14)
7.	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 for a period of 3 years	18.5.2012 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (13), (14)

8.	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), (6), (7), (8), (11), (12), (13), (14)
9.	A/YL-ST/528	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	17.8.2018 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (12), (13), (14)

*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/The submission of as-built drainage plans and photographic records 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.
- (4) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (5) No operation between 11:00 p.m. and 7:00 a.m. (No. A/YL-ST/290); between 6:00pm to 9:00 a.m. on weekdays and between 1:00 p.m. to 9:00 a.m. on Saturdays (No. A/YL-ST/365, 413, 461 and 528).
- (6) No operation on Sundays and public holidays.
- (7) No cutting, dismantling, repairing and workshop activity.
- (8) No tractors/trailers are allowed to be parked on the application site.
- (9) The submission and provision of buffer area proposal.
- (10) The submission and provision of a proper run-in /a vehicular access and run-in should be maintained.
- (11) The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- (12) No reversing of vehicles into or out from the Site is allowed at any time during the planning approval period.
- (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>Rejection Reason(s)</u>
1.	A/DPA/YL-ST/13	Proposed open container vehicle and lorry park	3.9.1993 Rejected by RNTPC	(1), (2), (3), (4), (5)
2.	A/YL-ST/19	Temporary car repairing workshop for not more than 12 months	20.12.1996 Rejected by RNTPC	(1), (2), (3), (6)
3.	A/YL-ST/46	Temporary container vehicle repairing and washing workshop for a period of 12 months	15.5.1998 Rejected by TPB on review	(1), (2), (3), (6)

Rejection Reasons

- (1) Not in line with the planning intention for the area.
- (2) Not been satisfactorily demonstrated in the submission that the development has insignificant adverse impact on the environment, drainage and traffic in the area.
- (3) The development is not compatible with the neighbouring rural settlement.
- (4) The proposed vehicular access onto the nearby slip road of the New Territories Circular Road would cause adverse impact on the road network.
- (5) No noise mitigation measures had been proposed.
- (6) Setting undesirable precedent for other similar applications.

Recommended Advisory Clauses

- (a) to note DLO/YL, LandsD's comments that the Site comprises GL and 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. A portion of GL with an area of about 341m² of the Site is covered by a Short Term Tenancy (STT) No. 1923 for the purpose of "Open Storage of Second-Hand Motor Vehicles (including Private Cars and Tractors but excluding Trailers) with Ancillary Workshop and Office". No permission is given for occupation of the remaining GL with an area of about 62m² (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 of Lot No. 52 RP in D.D. 105 is covered by Short Term Waiver (STW) No. 3766 to permit structures for the purpose of "Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractor but excluding Trailers) for Sale and Covered Works Area". The STT/STW holders will need to 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. Furthermore, the lot owner(s) 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 proposed 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 premium or fee, as may be imposed by the LandsD;
- (b) to note C for T's comments that the Site is connected to Shek Wu Wai Road via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note DAFC's comments that as there is an egretty to the northeast of the Site, the applicant should avoid any construction works during the ardeid breeding season (March – August). The applicant is advised to avoid causing disturbance to the egretty and preserve all the existing trees at the Site;
- (e) to note D of FS' 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. 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 should be 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;

- (f) 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 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 BA, 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 BD to effect their removal in accordance with the prevailing 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, demolition and land filling) 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 (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide and 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 applicant implemented the drainage facilities on site under previous planning Application No. A/YL-ST/528. The relevant drainage proposal and drainage implementation works were considered satisfactory at that time. The applicant should provide DSD with a set of latest record photographs showing the completed drainage works (including the internal conditions of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect with 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 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; and
- (h) 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.