

Previous s.16 Applications covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-ST/12	Temporary container vehicle park and open storage of containers for a period of 3 years	1.11.1996 (2 years)	2, 3, 4, 5, 6, 7
2.	A/YL-ST/60	Proposed pond filling, temporary container tractor/trailer park and open storage of containers for a period of 2 years	13.11.1998 (2 years)	2, 3, 4, 5
3.	A/YL-ST/94	Temporary container vehicle park and open storage of containers with ancillary repair area for a period of 2 years	10.9.1999 (12 months)	2, 3, 4, 6, 8, 9, 10
4.	A/YL-ST/157	Temporary container vehicle park and container depot with ancillary repair area for a period of 2 years	22.12.2000 (12 months)	2, 3, 4, 6, 7, 9, 11
5.	A/YL-ST/167*	Temporary container tractor/trailer park and open storage of containers with ancillary repair area for a period of 1.5 years	16.11.2001 (18 months) <i>[revoked on 16.2.2003]</i>	2, 3, 4, 6, 9, 12, 15
6.	A/YL-ST/312*	Temporary container vehicle park, container storage area, vehicle repair and canteen for a period of 3 years	1.9.2006 (3 years) <i>[revoked on 1.2.2009]</i>	1, 2, 3, 4, 10, 15
7.	A/YL-ST/363	Temporary container vehicle park and open storage of containers for a period of 3 years	27.3.2009 (3 years) [Review of approval conditions approved by TPB on 31.7.2009]	1, 2, 3, 6, 8, 9, 10, 13, 15
8.	A/YL-ST/411*	Temporary container vehicle park, container storage area, vehicle repair and canteen for a period of 3 years	16.3.2012 (3 years) <i>[revoked on 27.3.2013]</i>	1, 2, 3, 4, 8, 9, 10, 11, 13, 14, 15
9.	A/YL-ST/438*	Temporary vehicle park (including container vehicles), container storage area, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a period of 3 years	11.10.2013 (3 years) <i>[revoked on 11.10.2014]</i>	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15
10.	A/YL-ST/447	Temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed vehicles, storage of construction materials, tyre	22.8.2014 (3 years)	1, 2, 3, 4, 6, 8, 9, 10, 13, 14, 15

		repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a period of 3 years		
11.	A/YL-ST/506	Renewal of Planning Approval for Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Offices for a Period of 3 Years	11.8.2017 (3 years)	1, 2, 3, 6, 8, 9, 10, 13, 14, 15

*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 landscape planting / existing trees and vegetation on the site should be maintained at all times during the approval period.
- (4) The submission and implementation of a layout plan / The provision of vehicular access and car-parking arrangement / The submission and provision of a proper run-in proposal / vehicular access/run-in shall be maintained at all times during the approval period.
- (5) The submission of a traffic impact assessment and implementation of the necessary improvement measures.
- (6) The provision of boundary fencing and/or paving / The paving and/or boundary fencing on the site should be maintained / The paving of the site with perimeter ditches connected to oil interceptor.
- (7) The submission of sewage treatment and disposal proposals / The provision of sewage and waste water treatment and disposal facilities.
- (8) No night-time operation between 11pm and 7am / 11pm and 8am / 5pm and 10 am is permitted at the site.
- (9) The stacking height of the materials stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence.
- (10) Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.
- (11) No vehicle repair activities should be conducted in the open area of the site/ No car wash should be conducted on the site.
- (12) Setting back of the application site.
- (13) The stacking height of containers stored at any other location within the site should not exceed 7/8units.
- (14) No reversing in or out from the site was allowed at all times during the planning approval period
- (15) Revocation clause.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-ST/95	Temporary container storage and container vehicle parking with ancillary workshop facilities for a period of 3 years	26.5.2000 Rejected on review	1, 2, 3
2.	A/YL-ST/103	Temporary container tractor/trailer park and open storage of containers with ancillary repair area for a period of 2 years	21.7.2000 Rejected on review	1, 2
3.	A/YL-ST/200	Temporary container vehicle park and container depot with ancillary repair area for a period of 2 years	14.6.2002 Rejected by RNTPC	2, 4
4.	A/YL-ST/295	Temporary container vehicle park, container storage area, vehicle repair and canteen for a period of 3 years	17.3.2006 Rejected by RNTPC	1, 5

Rejection Reasons

- (1) Not in-line with TPB PG-No.12B for "Application for Developments within Deep Bay Area".
- (2) There is insufficient information in the submission to support the application.
- (3) The submitted layout is not acceptable.
- (4) A large portion of the site falls within the gazetted scheme boundary of the Eastern Main Drainage Channel for San Tin, the approval of the application, even on temporary basis, would jeopardize the implementation of the drainage channel project.
- (5) Not in-line with TPB PG-No.13D for Application for Temporary Open Storage and Port Back-up Uses.

**Similar s.16 Applications within “Other Specified Uses”
annotated “Service Stations” Zone
on the San Tin OZP No. S/YL-ST/8**

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-ST/424*	Temporary Cross-border Traffic Service Station (Including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Office and Services Trades) for a Period of 3 Years	23.12.2010 (3 years) [Revoked on 5.4.2013]	All
2.	A/YL-ST/445*	Temporary Cross-Boundary Traffic Service Station (including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Vehicle Repair Workshop, Office) with Ancillary Services Trades (including Handling In and Out of Container Freight, Arrival and Departure of Goods Vehicles) and Staff Canteen for a Period of 3 Years	26.9.2014 (3 years) [Revoked on 26.12.2015]	1, 2, 3, 4, 5, 6, 7, 10, 11, 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.
- (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 and/or paving / The paving and/or boundary fencing on the site should be maintained / The paving of the site with perimeter ditches connected.
- (5) No operation on Sundays and public holidays / No night-time operation is permitted at the site..
- (6) The stacking height of the materials stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence.
- (7) Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.
- (8) No cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair / No vehicle repair activities should be conducted in the open area of the site/ No car wash should be conducted on the site.
- (9) Setting back of the application site.
- (10) The stacking height of containers stored at any other location within the site should not exceed 7/ 8units.
- (11) No reversing in or out from the site was allowed at all times during the planning approval period.
- (12) No vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site
- (13) The provision of buffer area.
- (14) Revocation clause.

Recommended Advisory Clauses

- (a) to note DLO/YL, LandsD's comments that the Site comprises Government Land (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. The GL of the Site is covered by a Short Term Tenancy (STT) No. 2830 for the purpose of "Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Offices". The private land of Lots Nos. 743 RP and 744 RP in D.D. 99 are covered by Short Term Waiver (STW) Nos. 4044 and 4045 respectively to permit structures for the purpose of "Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Office". The private land of Lot No. 372 S.D RP in D.D. 99 is covered by STWs No. 4044, 4287 and 4534 to permit structures for the purpose of "Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services, and Ancillary Office Site"; "Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities" and "Temporary Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk). The STT/STW holder will need to apply to his office for modification of the 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. 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 rent or fee, as may be imposed by the LandsD;
- (b) to note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Tun Yu Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) to note CE/RD2-2, RDO, HyD's comments that the Site falls within the administrative route protection boundary of the long-term bifurcation to Lok Ma Chau Station of the proposed Northern Link (NOL), which the proposed NOL is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the long-term bifurcation to Lok Ma Chau Station of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL and subject to

nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL;

- (d) to note D of FS's 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 FSI 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;
- (e) to notes 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 are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including offices, shops and store rooms as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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) Regulation at the building plan submission stage;
- (f) to note CE/MN, DSD's comments that the applicant implemented the drainage facilities on site under the previous application No. A/YL-ST/506. The relevant drainage proposal and implementation works were considered satisfactory at that time. The applicant should provide DSD a set of latest record photographs showing the completed drainage works (including internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. 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 works as well as the site boundary shall not cause encroachment upon areas outside the applicant's 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 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; and

- (g) the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize potential environmental impacts on the surrounding areas.

