

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/202	Temporary Vehicle Park for a Period of 3 Years	15.11.2002 Approved by TPB (3 years)	1-5, 11, 12
2.	A/YL-ST/314	Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Site Office for a Period of 3 Years	21.7.2006 Approved by RNTPC (3 years)	2, 4, 6-8, 11, 12
3.	A/YL-ST/380	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	18.12.2009 Approved by RNTPC (3 years)	2-4, 6-9, 11, 12
4.	A/YL-ST/427	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	7.12.2012 Approved by RNTPC (3 years)	2-12
5.	A/YL-ST/542	Temporary Open Storage of Construction Materials for a Period of 3 Years	17.5.2019 Approved by RNTPC (3 years)	4, 6, 8-9, 11-13,
6.	A/YL-ST/543	Temporary Open Storage of General Goods and Public Vehicle Park (Private Cars only) with Ancillary Site Office for a Period of 3 Years	31.5.2019 Approved by RNTPC (3 years)	4, 6, 8-9, 11-14,

Approval Conditions

1. Setting back of the site from the boundary of railway development in the vicinity
2. Restriction on the type(s) of vehicle to be parked/stored on the site
3. Submission and implementation of landscape proposals / maintenance of landscape planting or existing vegetation/trees
4. Submission of drainage proposal and provision of drainage facilities / maintenance of drainage facilities / submission of as-built drainage plan and photographic records of existing drainage facilities
5. Submission and implementation of parking layout
6. No vehicles without valid licence(s) issued under the Road Traffic Ordinance allowed to be parked/stored on the site / no vehicle other than private car and light goods vehicle allowed to access the site

7. No car washing, repairing, dismantling, paint spraying or other workshop activities allowed on the site
8. Provision of fire extinguisher(s) / submission and implementation or provision of fire service installations
9. Maintenance of paving and/or boundary fencing / provision of boundary fencing
10. Posting notice at a prominent location of the site to indicate no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site
11. Revocation Clause
12. Reinstatement Clause
13. No vehicle allowed to queue back to or reverse onto/from the site
14. No operation between 6:00 p.m. and 9:00 a.m. / no operation on Sundays and public holidays

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-ST/158	Temporary Public Car Park for Private Cars for a Period of 3 Years	11.5.2001 Rejected by TPB upon review	1-3

Rejection Reasons

1. Approval of the application would jeopardize the implementation of the Spur Line
2. Insufficient information to demonstrate the proposed development would have insignificant impacts on the area
3. Approval of the application would set an undesirable precedent

**Similar s.16 Applications within "U" Zone
on the Approved San Tin OZP No. S/YL-ST/8**

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration</u>	<u>Approval Condition(s)</u>
1.	A/YL-ST/352	Proposed Temporary Public Vehicle Park (excluding Container Vehicles) for a Period of 3 Years	23.1.2009 Approved by RNTPC (3 years)	1-9, 21
2.	A/YL-ST/357	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) under Application No. A/YL-ST/308 for a Period of 3 Years	13.2.2009 Approved by RNTPC (3 years)	1-6, 10-12, 21
3.	A/YL-ST/367	Renewal of Planning Approval for Temporary Open Storage of New Left-hand-drive Vehicles Prior to Sale under Application No. A/YL-ST/313 for a Period of 3 Years	19.6.2009 Approved by RNTPC (3 years)	3-6, 12-13, 21-22
4.	A/YL-ST/394	Renewal of Planning Approval for Temporary Public Car Park with Ancillary Office for a Period of 3 Years	28.1.2011 Approved by RNTPC (3 years)	1-6, 9, 12, 14, 21-22
5.	A/YL-ST/400*	Proposed Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area for a Period of 3 Years	1.4.2011 Approved by RNTPC (3 years) [Revoked on 1.1.2013]	1-3, 6-7, 9, 12, 15, 21-22
6.	A/YL-ST/407	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/352 for a Period of 3 Years	16.12.2011 Approved by RNTPC (3 years)	1-7, 9, 12, 15, 16, 21-22
7.	A/YL-ST/409	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) under	20.1.2012 Approved by RNTPC (3 years)	1-6, 10-12, 15, 17, 21-22

		Application No. A/YL-ST/357 for a Period of 3 Years		
8.	A/YL-ST/435*	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (including a refreshment kiosk) for a Period of 3 Years	16.8.2013 Approved by RNTPC (3 years) [Revoked on 16.7.2015]	1-3, 6-7, 9-12, 15, 17, 21-22
9.	A/YL-ST/444	Temporary Public Car Park with Ancillary Office for a Period of 3 Years	9.5.2014 Approved by RNTPC (3 years)	1-3, 5-7, 11-12, 18, 21-22
10.	A/YL-ST/448	Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area for a Period of 3 Years	12.9.2014 Approved by RNTPC (3 years)	1-4, 6, 9, 12, 21-22
11.	A/YL-ST/456	Renewal of Planning Approval for Temporary "Public Vehicle Park (excluding container vehicle)" for a Period of 3 Years	2.1.2015 Approved by RNTPC (3 years)	1-3, 5-7, 11-12, 15-16, 21-22
12.	A/YL-ST/463	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years	22.5.2015 Approved by RNTPC (3 years)	1-3, 5-7, 9-12, 15, 17, 21-22
13.	A/YL-ST/513	Renewal of Planning Approval for Temporary "Public Vehicle Park (excluding container vehicle)" for a Period of 3 Years	22.12.2017 Approved by RNTPC (3 years)	1-4, 6, 11-12, 15-16, 18-19, 21-22
14.	A/YL-ST/523	Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years	18.5.2018 Approved by RNTPC (3 years)	1-3, 5-7, 10-12, 15, 17, 21-22
15.	A/YL-ST/530	Temporary Public Car Park with Ancillary Office for a Period of 3 Years	5.10.2018 Approved by RNTPC (3 years)	2, 6, 11-12, 15, 20-22
16.	A/YL-ST/549	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	5.7.2019 Approved by RNTPC (3 years)	3, 5-6, 9, 12, 15, 20-21

17.	A/YL-ST/563	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years	17.1.2020 Approved by RNTPC (3 years)	1, 3, 6, 9, 11-13, 19-21
18.	A/YL-ST/568	Renewal of Planning Approval for Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) and Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities for a Period of 3 Years	26.5.2020 Approved by RNTPC (3 years)	1, 5-6, 9, 12-13, 21-22

*revoked applications

Approval Conditions

1. No vehicles without valid licenses issued under the Road Traffic Ordinance allowed to be parked/stored on the site
2. No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) / only private car as defined in the Road Traffic Ordinance or container trailers/tractors / no vehicle other than private car and light goods vehicle allowed to be parked/stored on the site
3. No car washing and vehicle repair workshop / dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing allowed on the site
4. Maintenance of existing landscape planting / vegetation
5. Maintenance of existing drainage facilities
6. Submission of an as-built drainage plan / a condition record of the existing drainage facilities / submission and implementation of drainage proposal
7. Submission and implementation of compensatory planting scheme / landscape and tree preservation proposals
8. Submission and implementation of footpath proposal
9. Provision of fencing / paving / the container stacked within 5m of the periphery not exceeding the height of the boundary fence / stacking height of containers stored at any other location within the site not exceeding eight units
10. Setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains
11. Maintenance of existing fencing / paving
12. Submission and implementation of fire service installations proposal / provision of fire extinguisher(s)
13. No night-time operation between 11:00 p.m. and 7:00 a.m.
14. Setting back the existing run-in/out of about 1.6m from kerblines of Lok Ma Chau Road
15. Posting notice at a prominent location of the site to indicate only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site
16. Maintenance of existing run-in connecting Lok Ma Chau Road on the site
17. Submission and provision / maintenance of buffer area proposal fronting Castle Peak Road - Chau Tau

18. Submission and implementation of parking layout plan
19. No queuing and no reverse movement of vehicles allowed on public road
20. No vehicle allowed to queue back to or reverse onto/from the site
21. Revocation Clause
22. Reinstatement Clause

Rejected s.16 Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Rejection reason(s)</u>
1.	A/YL-ST/417	Proposed Temporary Public Vehicle Park (for Private Cars Only) for a Period of 3 Years	Rejected by TPB 10.5.2013	1-4

Rejection Reasons

1. Being not in line with the planning intention of the "Green Belt" ("GB") zone.
2. Being not in line with TPB PG-No. 10, causing degradation to natural landscape, and applicant's failure to demonstrate no adverse landscape, traffic and drainage impacts.
3. Being not complying with TPB PG-No.13E as no previous approval at the extended "GB" portion and there were adverse departmental comments and public objections.
4. Approval would set an undesirable precedent for similar applications within the "GB" zone.

Good Practice Guidelines for open storage sites

		Internal access for fire appliances	Lot boundaries (Clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks : Smoking and naked flame activities shall not be allowed within the open storage /recycling site.



Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots (OSAL) and Government Land (GL). The OSAL is held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private lots of the Site are covered by Short Term Waiver (STW) No. 3274 (for Lot 252 RP) for the purpose of ancillary use to temporary car park with ancillary office and STW No. 3078 (Lot 271 (Portion)) for the purpose of motor vehicle park (excluding heavy goods vehicles and container vehicles) with ancillary office, whereas the portion of GL (62m²) is covered by a Short Term Tenancy (STT) No. 2642 for the purpose of public vehicle park (excluding container vehicle). The lot owner(s) of the lot(s) without STW will need to apply to LandsD for permitting the structures to be erected or to regularize any irregularity on site, if any. The STT/STW holders will need to apply to LandsD for modification of the STT/STW conditions where appropriate. Application(s) 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(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Lok Ma Chau 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 the comments of the Chief Engineer/Railway Development 2-2 (CE/RD 2-2), RDO, HyD that part of the Site falls within the area of influence (AOI) of the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI 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 NOL. The applicant should be satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of the NOL;
- (d) 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;
- (e) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. The applicant is also advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs to be installed

should be clearly marked on the layout plans; and (iii) the good practice guidelines for open storage (**Appendix IV**) should be adhered to. In relation to condition (g) of the planning approval, the applicant is advised to submit a valid fire certificate (FS 251) to FSD for approval. 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;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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 BO. Before any new building works (including containers/open sheds as temporary buildings and land filling, etc.) are to be carried out on the Site, prior approval and consent of 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 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, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plans submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings which are subject to the control of Part VII of B(P)R. Detailed checking under BO will be carried out at the building plans submission stage;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) to re-submit the drainage proposal to address his following comments:
- For the western boundary, U-channels (UC) of 300mm min. should be provided. The proposed use of kerb for drainage purpose is inadequate. Please note that the nearby existing 350mm UC is outside the site boundary and should not be adopted for the drainage proposal of this application.
 - The northern end of the Site should be provided with U-channels of 300mm min.
 - For the proposed discharge points, i.e. the stream, photos showing their existing condition and details of the proposed discharge points should be provided.

The drainage proposal should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to the 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. The drainage proposal should be prepared according to the Guideline on preparation of the drainage proposal which is available in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf.

Approval of the drainage proposal must be sought prior to the implementation of the drainage works on site. After completion of the required drainage works, the applicant shall provide DSD with a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. 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 the Director of Environmental Protection 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 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 the Site under proper maintenance during occupancy of the Site;

- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if any facility of the Food and Environmental Hygiene Department (FEHD) 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. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the proposed access point from the Site to Lok Ma Chau Road will fall within the works limit of the project "Development of Lok Ma Chau Loop: Main Works Package 1" which is tentatively scheduled for implementation of works in 2021 for completion beyond the end period of the application. The applicant is required to make necessary arrangement to avoid affecting the construction works of the above project and ensure that the proposed access point should not obstruct the operation of the proposed bus lay-by to be completed under the above project.

