

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/10	Temporary retail shop for a period of 3 years	20.9.1996 Approved by RNTPC (3 years)	(2), (3), (5), (10), (11)
2.	A/YL-ST/79	Temporary retail shop with ancillary facilities for a period of 12 months	26.2.1999 Approved by RNTPC (12 months)	(2), (3), (10)
3.	A/YL-ST/107	Temporary retail shop to sell vehicle parts and accessories for a period of 3 years	5.11.1999 Approved by RNTPC (3 years)	(2), (3)
4.	A/YL-ST/124	Proposed residential development	5.5.2000 Approved by RNTPC (3 years)	(2), (3), (6), (12), (13), (14), (15)
5.	A/YL-ST/195	Temporary retail shop for vehicle parts and accessories with ancillary facilities for a period of 3 years	26.4.2002 Approved by RNTPC (3 years)	(2), (3), (4)
6.	A/YL-ST/221	Temporary retail shop to sell vehicle parts & accessories for a period of 3 years	17.1.2003 Approved by RNTPC (3 years)	(2), (3), (8)
7.	A/YL-ST/283	Temporary retail shop for vehicle parts and accessories with ancillary facilities for a period of 3 years	24.6.2005 Approved by RNTPC (3 years)	(1), (2), (3), (8), (9)
8.	A/YL-ST/303*	Temporary retail shop to sell vehicle parts and accessories for a period of 3 years	28.4.2006 Approved by RNTPC (3 years) [revoked on 28.1.2009]	(2), (3), (8), (10)
9.	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), (5), (8), (9), (10)
10.	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), (8), (9), (10)
11.	A/YL-ST/401	Temporary shop and services (second hand private car sales) for a period of 3 years	15.4.2011 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (7), (8), (9)
12.	A/YL-ST/460	Temporary shop and services (sale of vehicle parts and accessories) with	8.5.2015 Approved by RNTPC	(2), (3), (5), (7),

		ancillary facilities for a period of 3 years	(3 years)	(8), (9)
--	--	--	-----------	----------

*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 a drainage and sewerage impact assessment and implementation of relevant mitigation measures
- (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 submission and implementation of a Master Landscape Plan including a tree survey, proposals for preservation of the existing vegetation on the site, tree felling, tree transplanting and compensatory tree planting proposals, management scheme and implementation programme / implementation of compensatory planting
- (4) The submission and provision of sewage treatment and disposal proposal.
- (5) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (6) The setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project 'Cycle Tracks Connecting North West New Territories with North East New Territories - Sheung Shui to Tuen Mun Section' as and when required by the Government / The setting back of the site from Castle Peak Road - San Tin for footpath widening
- (7) No night-time operation between 11:00 p.m. and 8:00 a.m.
- (8) No cutting, dismantling, repairing and workshop activity / No car breaking / No vehicle repairing works / no car washing, dismantling, repairing and workshop activity involving metal cutting, drilling hammering, paint spraying and oil/lubricant changing
- (9) No heavy vehicles including container vehicles were allowed (No. A/YL-ST/283)/ no heavy goods vehicles or container trailers or tractors were allowed (Nos. A/YL-ST/366 and A/YL-ST/369)/no medium or heavy goods vehicles including container trailers or tractors were allowed (No. A/YL-ST/401) to be parked/stored on the site.
- (10) The submission and provision of a site layout/a proper run-in /a vehicular access and run-in should be maintained.
- (11) The provision of car parking spaces within the site.
- (12) The submission and implementation of a revised Master Layout Plan including the phasing and programming of the proposed development and taking account of conditions (b) to (g)
- (13) The designation of non-building area within the site along Castel Peak Road - San Tin for future road widening
- (14) The design and construction of the junction improvement
- (15) The submission of a natural terrain hazard study for the slope to the west of the application site

Rejected s.16 Application

	<u>Application No.</u>	<u>Proposed Use(s)*/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	Main Reasons for Rejection
1.	A/YL-ST/388	Temporary retail area of second-hand goods vehicles of above 5.5 tones, container tractors and trailers for a period of 3 years	11.6.2010 Rejected by RNTPC	(1), (2)

Main Reasons for Rejection:

- (1) The proposed development involving heavy goods vehicles was not compatible with the neighbouring residential uses.
- (2) The proposed development was not in line with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses" in that there were adverse comments from concerned Government department on the environmental aspect, and the development would have adverse environmental nuisances to the nearby residents.

Similar s.16 Applications within the same "R(D)" zone

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)*/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions(s)</u>
1.	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) – (6)
2.	A/YL-ST/386	Temporary open storage and retail sale of construction machinery for a period of 3 years	19.3.2010 Approved by RNTPC (3 years)	(1) – (9)
3.	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) - (7), (9)
4.	A/YL-ST/432	Temporary open storage and retail sale of construction machinery for a period of 3 years	7.6.2013 Approved by RNTPC (3 years)	(1) – (9)
5.	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) - (7), (9)
6.	A/YL-ST/493	Temporary open storage and retail sale of construction machinery for a period of 3 years	26.8.2016 Approved by RNTPC (3 years)	(1) - (7), (9)
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), (3), (4), (5), (6), (10), (11),

Approval Conditions

- (1) No night time operation
- (2) No operation on Sundays and public holidays
- (3) No car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing / no car washing, dismantling, repairing or other workshop activities involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing / no washing, dismantling, repairing or workshop activity including metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing
- (4) Maintenance of existing vegetation / maintenance of landscape planting / submission and implementation of tree preservation proposal / submission and implementation of landscape and tree preservation proposal
- (5) Drainage facilities should be maintained at all times / submission of photographic record of the existing drainage facilities / submission of an as-built drainage plan and photographic records of the existing drainage facilities
- (6) Submission of FSIs proposal / the provision of FSIs
- (7) The setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project 'Cycle Tracks Connecting NWNT with NENT - Section from Tuen Mun to Sheung Shui' as and when required by the Government to the satisfaction of the Director of Lands or of the TPB / the submission and implementation of proposal on provision of buffer zone within the site fronting Castle Peak Road - San Tin to avoid queuing on Castle Peak Road - San Tin
- (8) No vehicular access point other than the vehicular access point at the west of the site
- (9) Provision of paving and boundary fencing / maintenance of paving
- (10) Submission of a run in proposal / provision of the run in
- (11) No heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on the site at any time during the planning approval period

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that the Site comprises 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 private land within the Site (i.e. Lots Nos. 170 RP and 174 S.C RP in D.D. 105) are covered by Short Term Waiver (STW) Nos. 4231 and 4232 to permit structures for the purpose of "Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities". The GL of the Site is covered by Short Term Tenancy (STT) No. 2873 for the purpose of "Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities". The Site is accessible to Shek Wu Wai Road through GL only. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there is any irregularity on site. Such application 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 application will be approved. If such application 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 the LandsD;
- (c) 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 should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note CHE/NTW, HyD's comments that if the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at the public road in accordance with the latest version of Highways Standard Drawings No. H1113 and H114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; HyD does not and will not maintain any access connecting the Site and Shek Wu Wai Road; and adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note DAFC's comments that the applicant should preserve and properly maintain the existing landscape planting along the site boundary and in close vicinity of the Site, and avoid disturbing the breeding birds including their nests and eggs which are protected under the Wild Animals Protection Ordinance, Cap. 170. Besides, lighting facilities installed on the Site should also avoid direct shining on the concerned landscape trees as well as the nearby wooded area to the southwest of the Site in order to minimize glare impact on the breeding birds;
- (f) 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 the Fire Services Department (FSD) for approval. The applicant should also be advised 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 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;

- (g) to note CBS/NTW, BD's comments that before any new building works (including open sheds and containers as temporary buildings) are to be carried out on the site, 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 Buildings Ordinance (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 (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;
- (h) to note CE/MN, DSD's comments that the applicant implemented the drainage facilities on site under previous planning Application No. A/YL-ST/460 and the drainage implementation works were considered satisfactory at that time. Under the application, the applicant should provide DSD with a set of latest record photographs showing the completed drainage works (including the internal condition of the drains). In addition, the applicant is requested to contact his staff to arrange to carry out a joint site inspection for the completed drainage works with reference to the latest record 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 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;
- (i) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning 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 re provisioned facilities to FEHD. Proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. 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

- (j) the applicant is advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts.

