

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/97	Temporary container tractor/trailer park with ancillary repair area for a period of 12 months	10.9.1999 Approved by RNTPC (12 months)	2, 3, 6
2.	A/YL-ST/119	Temporary parking of container vehicles, open storage of construction materials and ancillary container vehicle workshop for a period of 3 years	14.4.2000 Approved by RNTPC (3 years)	2, 3, 5, 6, 10
3.	A/YL-ST/189	Temporary container tractor and trailer park with a canteen and a tyre repair workshop for a period of 3 years	1.3.2002 Approved by RNTPC (3 years)	2, 3, 4, 5
4.	A/YL-ST/309	Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years	28.4.2006 Approved by RNTPC (3 years)	1, 2, 3, 6
5.	A/YL-ST/375	Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years	18.9.2009 Approved by RNTPC (3 years)	1, 2, 3, 6, 7, 8, 9
6.	A/YL-ST/418	Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years	7.9.2012 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 7, 8, 9
7.	A/YL-ST/475*	Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen site office for a period of 3 years	4.9.2015 Approved by RNTPC (3 years) [revoked on 4.2.2018]	1, 2, 3, 5, 6, 7, 8, 11

\*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 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) No operation for certain time limit specified in the approved conditions of respective applications.
- (7) No operation on Sundays and public holidays.
- (8) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (9) The submission and provision of a proper run-in /a vehicular access/ingress/egress and run-in/car parking arrangement should be maintained.
- (10) 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.
- (11) The setting back of the boundary of the site to avoid encroachment onto the works limit of project PWP Item No. 7259RS cycle tracks connecting North West New Territories with North East New Territories - Tuen Mun to Sheung Shui Section (Remaining) as and when required by the Government to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

**Similar s.16 Applications within "R(D)" zone  
on the San Tin OZP No. S/YL-ST/8**

**Approved Applications**

<b>No.</b>	<b>Application No.</b>	<b>Proposed Uses</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Conditions</b>
1.	A/YL-ST/360*	Temporary open storage of containers and container trailer park with ancillary facilities (with a 2,000L diesel oil tank) for a period of 3 years	13.3.2009 Approved by RNTPC (2 years) [Revoked on 13.10.2010]	1, 2, 3, 4, 6, 7, 8, 13
2.	A/YL-ST/361	Temporary open storage of containers and container trailer park with ancillary facilities for a period of 3 years	13.3.2009 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 7, 8, 13
3.	A/YL-ST/371	Temporary public vehicle park (including container vehicles and heavy goods vehicles) for a period of 3 years	7.8.2009 Approved by RNTPC (3 years)	2, 3, 7, 8, 9
4.	A/YL-ST/373*	Temporary container tractor/trailer park with vehicle repair areas and canteen for a period of 3 years	18.9.2009 Approved by RNTPC (3 years) [revoked on 18.7.2011]	1, 2, 3, 5, 7, 8, 10
5.	A/YL-ST/374	Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	18.9.2009 Approved by RNTPC (3 years)	1, 2, 3, 7, 8
6.	A/YL-ST/404	Temporary open storage of containers and cargo handling and forwarding facilities with ancillary container vehicle park for a period of 3 years	17.6.2011 Approved by RNTPC (3 years)	1, 2, 3, 4, 6, 7, 8, 11, 12, 13
7.	A/YL-ST/414*	Temporary open storage of containers and cargo handling and forwarding facilities with ancillary container trailer park and vehicle repair workshop for a period of 3 years	18.5.2012 Approved by RNTPC (3 years) [revoked on 18.6.2014]	1, 2, 3, 4, 6, 7, 8, 11, 12, 13
8.	A/YL-ST/416	Temporary public vehicle park (including container vehicles and heavy goods vehicles) for a period of 3 years	20.7.2012 Approved by RNTPC (3 years)	1, 2, 3, 7, 8, 9, 11, 12
9.	A/YL-ST/420	Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	7.9.2012 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 11, 12

10.	A/YL-ST/455	Temporary logistic centre with ancillary container vehicle park, vehicle repair workshop and car beauty service for a period of 3 years	12.12.2014 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 11, 13
11.	A/YL-ST/465	Temporary cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop for a period of 3 years	22.5.2015 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 11, 13, 14, 15
12.	A/YL-ST/468	Temporary public vehicle park (including container vehicles and heavy goods vehicles) for a period of 3 years	17.7.2015 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 9
13.	A/YL-ST/478	Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	9.10.2015 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 11, 14, 15
14.	A/YL-ST/512	Renewal of planning approval for temporary logistic centre with ancillary container vehicle park, vehicle repair workshop and car beauty service for a period of 3 years	8.12.2017 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 11, 13
15.	A/YL-ST/526	Temporary public vehicle park (including container vehicle and heavy goods vehicle) for a period of 3 years	20.7.2018 Approved by RNTPC (3 years)	1, 2, 3, 4, 7, 8, 9, 11, 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 / the submission of photographic records of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals/The landscape planting / existing trees 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) Diversion of existing water mains at the northern part of the site or provision of a 3m-wide Water-works Reserve measuring 1.5m from the centerline of the water mains.
- (6) The setting back of the site boundary to avoid encroachment on the works limit of the drainage improvement project/proposed sewage pumping station as and when required by Government departments.
- (7) No operation for certain time limit specified in the approved conditions of respective applications.
- (8) No operation on Sundays and public holidays.

- (9) No cutting, dismantling, repairing and workshop activity.
- (10) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (11) The submission and provision of buffer area proposal / maintenance of buffer area.
- (12) The submission and provision of a proper run-in /a vehicular access and run-in/car parking arrangement should be maintained.
- (13) 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 / exceed a specified number of units.
- (14) Maintenance of a vehicular access/run-in
- (15) No reversing in or out from the site / no vehicle is allowed to queue back to the public road or reverse/onto from 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) prior planning permission should have been obtained before commencing the use at the Site;
- (c) 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 of Lot Nos. 165 RP, 166 RP and 167 S.B RP in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3775, 4521 and 4522 respectively to permit structures for the purpose of "Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office". The Government Land (GL) of the Site is covered by Short Term Tenancy (STT) No. 2978 for the purpose of "Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office". The Site is accessible to Shek Wu Wai Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the planning application, the STT/STW holder will need to apply to his office for modification of the STT/STW conditions if there is any irregularity on site. Besides, the lot owner of the lot without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities 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;
- (d) to note CHE/NTW, HyD's comments that his department does not and will not maintain 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;
- (e) to note DAFC's comments that the applicant is advised to adopt good site practices and necessary measures to avoid causing water pollution to the nearby watercourse;
- (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 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 are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and 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 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. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage;

- (g) 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 his Department for approval. The applicant is advised on the following points: the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and 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;
- (h) to note CE/MN, DSD's comments that the drainage proposal attached to the application is considered unacceptable. 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 & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at [https://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](https://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 a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. He has checked that the Site partly encroaches onto his Drainage Reserve Areas (DRA). The applicant should note that no building or structure or support or foundation for any building or structure shall be erected or constructed on, over, above, under, below or within the DRA. 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 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. 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; proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the 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;

- (j) to note C of P's comments that the applicant is advised that no illegal vehicle parking at the public roads near the Site should be allowed; 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 to minimize potential environmental impacts on the surrounding area.

