

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

Approval Conditions

1. Setting back of the application site from boundary of railway development in the vicinity
2. Restriction on the type(s) of vehicle that is/are allowed to be parked/stored on the application site
3. The submission and implementation of landscape proposals / maintenance of landscape planting or existing vegetation/trees
4. The 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. The submission and implementation of parking layout
6. No vehicles without valid licence(s) issued under the Road Traffic Ordinance were allowed to be parked/stored on the site
7. No car washing, repairing, dismantling, paint spraying or other workshop activities are allowed on the application site
8. The provision of fire extinguisher(s) / submission and implementation or provision of fire service installations
9. The maintenance of paving and/or boundary fencing / the provision of boundary fencing
10. A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site
11. Revocation Clause
12. Reinstatement Clause

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	All

Rejection Reasons

1. Approval of the application, even on a temporary basis, would jeopardise 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/180*	Temporary Container Trailer/Tractor Park and Open Storage of Construction Materials for a Period of 3 Years	21.12.2001 Approved by RNTPC (3 years) [Revoked on 21.12.2002]	1-4, 8, 10, 11
2.	A/YL-ST/240	Temporary Container Trailer/Tractor Park and Open Storage of Construction Materials for a Period of 3 Years	11.7.2003 Approved by RNTPC (3 years)	3, 4, 9-11
3.	A/YL-ST/323*	Temporary Public Vehicle Park (including container vehicles) and Open Storage of Construction Materials for a Period of 3 Years	17.11.2006 Approved by RNTPC (3 years) [Revoked on 17.2.2009]	3-6, 8, 10, 11
4.	A/YL-ST/442	Temporary Public Vehicle Park (including private cars, container vehicles & heavy goods vehicles) with Ancillary Facilities (including vehicle repair area, site offices & canteen), Storage of Metal Ware & Construction Material & Cargo Handling & Forwarding Facilities for a Period of 3 Years	4.4.2014 Approved by RNTPC (3 years)	3, 4, 6-11
5.	A/YL-ST/501	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	17.3.2017 Approved by RNTPC (3 years)	3, 4, 6-11

*revoked applications

Approval Reasons

1. Setting back of the application site from boundary of railway development in the vicinity
2. 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
3. The submission and implementation of landscape or tree preservation proposal / maintenance of existing trees
4. The submission and implementation of drainage proposal / submission of as-built drainage plan and photographic records of existing drainage facilities
5. The submission and provision of run-in/out proposal
6. No vehicles without valid licence(s) issued under the Road Traffic Ordinance were allowed to be parked/stored on the site
7. No operation for specific time periods
8. The provision of fire extinguisher(s) in the site office / submission and implementation of fire service installations
9. The maintenance of paving and/or boundary fencing / the provision of fencing
10. Revocation Clause
11. 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/155	Proposed temporary open storage of construction machinery and materials for a period of 3 years	Rejected by RNTPC 22.12.2000	All

1. Insufficient information to demonstrate the proposed development would have no adverse landscape impact on the area
2. Insufficient information to demonstrate the proposed development would not have adverse drainage impact on the surrounding areas

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (d) to note DLO/YL, LandsD's comments that the Site is accessible from Lok Ma Chau Road through Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications 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 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 LandsD;
- (e) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant is also advised on the following points: (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. The applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval to address the above approval condition. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note CE/MN, DSD's comments that he has reviewed the drainage proposal attached to the application and considered it 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 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. (Guideline on preparation of the drainage proposal is available in DSD homepage at http://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 DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. 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. 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;

- (h) to note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Buildings Department (BD) should be obtained, otherwise they are Unauthorized Building Works (UBW) under the (BO). An Authorized Person 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 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 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;
- (i) to note C of P's comments that the applicant is reminded that obstruction to the road access to the vicinity would not be tolerated;
- (j) to note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and
- (k) 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.