

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/10	Temporary Retail Shop for a Period of 3 Years	20.9.1996 Approved by RNTPC (3 years)	1 to 4
2.	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)	1, 3 & 6
3.	A/YL-ST/221	Temporary Retail Shop to sell Vehicle Parts and Accessories for a Period of 3 Years	17.1.2003 Approved by RNTPC (3 years)	1, 3, 5 to 7
4.	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) [permission revoked on 28.1.2009]	1, 5 to 8
5.	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) [permission revoked on 10.5.2012]	1, 3, 5 to 10
6.	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 to 11

*permission was revoked

Approval Conditions

1. 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 implementation of the compensatory planting
2. The provision of vehicular ingress and egress to the site and car parking spaces
3. The provision of (stormwater) drainage facilities / The submission of drainage proposal and provision of drainage facilities proposed / The existing drainage facilities on the site should be maintained at all times during the planning approval period / The submission of a photographic record of the existing drainage facilities / the submission and implementation of drainage proposal
4. The provision of (boundary) fencing
5. Revocation Clause.
6. Reinstatement Clause.
7. No vehicular workshop activity including car breaking, repair works (involving metal cutting), car washing, dismantling, drilling, hammering, paint spraying and oil/lubricant changing are allowed on the site.

8. The submission (and implementation) of run-in proposal / the provision of a run-in proposal
9. No heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site
10. The submission of fire service installations proposal and provision of fire service installations / the provision of fire extinguisher(s)
11. No operation during specific time periods.

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

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-ST/370	Temporary Sales Office for Container Tractors/Medium Goods Vehicles (MGV) and Retail Shop for Building Materials for a Period of 3 Years	10.7.2009 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (8), (9) & (10)
2.	A/YL-ST/429	Temporary Retail Shop (Container Tractors, MGV, Forklifts and Building Materials) for a Period of 3 Years	25.1.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9) & (10)
3.	A/YL-ST/484	Temporary Retail Shop (Container Tractors, MGV, Vehicle Parts and Building Materials) for a Period of 3 Years	5.2.2016 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (7), (8), (9) & (10)
4.	A/YL-ST/538	Temporary Retail Shop (Container Tractors, MGV, Vehicle Parts and Building Materials) for a Period of 3 Years	12.4.2019 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (8), (9), (10), (11) & (12)

Approval Conditions

- (1) The submission and implementation of fire service installations proposal / the provision of 9-litre water type/3kg dry powder fire extinguisher.
- (2) The submission and implementation of drainage proposal / The provision of drainage facilities proposed / The existing drainage facilities on the site should be maintained at all times during the planning approval period / The submission of a photographic record of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals / The landscape planting or existing vegetation/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) Revocation Clause.
- (6) Reinstatement Clause.
- (7) The submission and implementation of proposal on provision of buffer zone.
- (8) No operation during specific time periods.
- (9) No operation on Sunday or public holidays.
- (10) No car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing are allowed on the site.
- (11) No vehicle is allowed to queue back to or reverse onto/from the application site
- (12) The submission of run-in/run-out proposal and provision of run-in/run-out

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that the Site is accessible from 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 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. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. 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.;
- (c) to note CHE/NTW, HyD's comments that the applicant should provide the run in/out at Shek Wu Wai Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Shek Wu Wai Road;
- (d) to note DAFC's comments that the applicant should be advised to 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 onsite should also avoid direct shining on the concerned landscape trees as well as the nearby wooded area to the east and north of the Site in order to minimize glare impact on the breeding birds;
- (e) to note D of FS's comments that 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 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any applied use under the application. 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. 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 BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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;

- (g) to note CE/MN, DSD's comments that the application is the subject of 6 previous applications with the last application no. A/YL-ST/511. However, the site coverage of the last application is different from that of the captioned application. In addition, the drainage information mentioned in the Planning Statement is considered insufficient. 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 the 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. 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 proposal/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 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;
- (h) to note C of P's comments that the applicant is reminded to adopt sufficient security measures at the Site and obstruction to the vicinity would not be tolerated;
- (i) to note DEFH'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
- (j) 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 areas.