

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions
1	A/YL-ST/57	Temporary Container Trailer Park and Vehicle Repairing/Washing Workshop with Restaurant for a Period of 12 Months	3.7.1998 Approved by RNTPC (12 months)	(1), (2), (3), (4)
2	A/YL-ST/104	Temporary Container Tractor/Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 12 Months	8.10.1999 Approved by RNTPC (12 months)	(1), (2), (3), (4)
3	A/YL-ST/225	Temporary Public Car Park with Ancillary Facilities for a Period of 3 Years	23.5.2003 Approved by TPB upon review (12 months)	(1), (2), (3), (4), (5), (6), (7), (8), (9)
4	A/YL-ST/276	Temporary Public Car Park for Private Vehicles for a Period of 3 Years	18.3.2005 Approved by RNTPC (3 years)	(1), (2), (4), (6), (7), (8), (9), (10), (11)
5	A/YL-ST/288*	Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years	18.11.2005 Approved by TPB upon review (12 months) [revoked on 18.2.2006]	(1), (2), (4), (6), (7), (8), (9), (12), (13), (14)
6	A/YL-ST/349	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	28.3.2008 Approved by RNTPC (3 years)	(1), (2), (4), (6), (7), (8), (9), (14), (15)
7	A/YL-ST/356	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years.	17.4.2009 Approved by TPB (until 28.3.2011)	(1), (2), (3), (4), (6), (7), (8), (9), (16)
8	A/YL-ST/397	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	18.3.2011 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (7), (8), (9), (14)
9	A/YL-ST/398*	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	18.3.2011 Approved by RNTPC (2 years) [revoked on 8.2.2013]	(1), (2), (3), (4), (6), (7), (8), (9), (14), (16)
10	A/YL-ST/436	Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years	16.8.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (6), (8), (9), (10), (12), (14), (16), (17), (18)
11	A/YL-ST/491	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years	12.8.2016 Approved by RNTPC (3 years)	(1), (2), (3), (6), (8), (9), (12), (14), (16), (17)

*denotes permission revoked

Approval Conditions

- (1) The submission/and implementation of landscaping/and tree preservation proposal/compensatory planting.
- (2) The submission and provision/implementation of drainage proposal/maintenance of drainage facilities/the submission of a condition record of the existing drainage facilities/the submission of an as-built drainage plan and photographic records of the existing drainage facilities.
- (3) The provision of fencing/paving of the site /maintenance of existing fencing and paving.
- (4) Reinstatement clause.
- (5) Exclusion of Lot 3063 in D.D. 102 from the application site.
- (6) No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- (7) No medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors or private cars as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site.
- (8) No car washing, vehicle repair workshop, canteen, dismantling, paint spraying or other workshop activity is allowed on the site.
- (9) Revocation clause.
- (10) The provision of proper site access arrangement.
- (11) The provision of hard-paving, perimeter ditches with oil interceptors.
- (12) Only private cars, taxis, light vans and motor bikes were allowed to be parked on the site.
- (13) The submission of Traffic Impact Assessment (TIA) and implementation of traffic improvement measures.
- (14) The provision of a 9-litre water type/3kg dry powder fire extinguisher/the submission and provision/implementation of fire service installations proposal.
- (15) The provision of a proper run-in.
- (16) A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site.
- (17) Only a vehicular ingress/egress at the northeastern corner of the site facing Tung Wing On Road was allowed.
- (18) The submission and implementation of parking layout plan.

Rejected Applications

No.	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Main Reasons for Rejection
1.	A/YL-ST/16	Temporary Container Vehicle/Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	6.12.1996 Rejected by RNTPC	(1), (2), (3), (4)
2.	A/YL-ST/34	Temporary Container Vehicle/Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	22.8.1997 Rejected by RNTPC	(1), (2), (3), (4)
3.	A/YL-ST/41	Temporary Container Vehicle/Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	21.11.1997 Rejected by RNTPC	(1), (2), (3), (4)
4.	A/YL-ST/126	Temporary Container Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 3 Years	19.5.2000 Rejected by RNTPC	(1), (2), (4), (5), (6)
5.	A/YL-ST/153	Temporary Container Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 3 Years	22.12.2000 Rejected by RNTPC	(1), (2), (3), (4), (6)
6.	A/YL-ST/203	Temporary Container Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 3 Years	9.8.2002 Rejected by RNTPC	(1), (2), (3), (5), (6)
7.	A/YL-ST/222	Temporary Weighing Station, Tyre Repair Workshop and Canteen for a Period of 3 Years	23.5.2003 Rejected by TPB upon review	(1), (2), (3), (5), (6)
8.	A/YL-ST/270	Temporary Public Car Park for a Period of 3 Years	30.7.2004 Rejected by RNTPC	(1), (3), (6)

Main Reasons for Rejection

- (1) Not in line with the planning intention of "V" zone.
- (2) Incompatible with the surrounding land uses/residential/village type development.
- (3) Insufficient information to demonstrate that the development will not have adverse environmental/traffic/drainage/landscaping/sewage/visual impacts on the surrounding, the nearby village settlements or the Deep Bay.
- (4) Setting undesirable precedent for similar applications.
- (5) There is insufficient information in the submission to demonstrate that a proper vehicular access can be provided for the development traffic to the southern portion of the application site without having adverse impact on the surrounding areas.
- (6) As there is a programme for Small House development within the site, there is insufficient justification in the submission for a departure from such planning intention.

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

Approved Applications

No.	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration</u> (RNTPC/TPB/AB)	<u>Approval Conditions</u>
1.	A/YL-ST/358	Temporary public car park (excluding lorries and container tractors/trailers) for a period of 3 years	27.2.2009 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9)
2.	A/YL-ST/368	Renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years	19.6.2009 Approved by RNTPC (2 years)	(1), (2), (3), (5), (6), (7), (8), (9)
3.	A/YL-ST/376	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	23.10.2009 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (8), (9)
4.	A/YL-ST/377	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	23.10.2009 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (8), (9)
5.	A/YL-ST/391	Renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years	26.11.2010 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9)
6.	A/YL-ST/402	Renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 2 years	6.5.2011 Approved by RNTPC (2 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)
7.	A/YL-ST/422	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/377 for a Period of 3 Years	5.10.2012 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
8.	A/YL-ST/423	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/376 for a Period of 3 Years	5.10.2012 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
9.	A/YL-ST/433	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years	7.6.2013 Approved by RNTPC (2 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
10.	A/YL-ST/470	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years	7.8.2015 Approved by RNTPC (2 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration</u> <u>(RNTPC/TPB/AB)</u>	<u>Approval Conditions</u>
11.	A/YL-ST/472*	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years	4.9.2015 Approved by RNTPC (3 years) [revoked on 24.7.2016]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)
12.	A/YL-ST/479	Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	18.12.2015 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (8), (10)
13.	A/YL-ST/481*	Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 tonnes) with Ancillary Facilities (Including Canteen and Site Office) for a Period of 3 Years	19.2.2016 Approved by RNTPC (3 years) [revoked on 19.7.2018]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)
14.	A/YL-ST/514	Temporary Public Vehicle Park (excluding container vehicle) for a Period of 2 Years	22.12.2017 Approved by RNTPC (2 years)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
15.	A/YL-ST/531	Temporary Parking of Private Vehicles for a Period of 3 Years	5.10.2018 Approved by RNTPC (3 years)	(4), (6), (7), (8), (9), (10), (12), (13)
16.	A/YL-ST/536	Temporary Public Vehicle Park (Private Cars only) for a Period of 3 Years	1.2.2019 Approved by RNTPC (3 years)	(4), (5), (6), (7), (8), (12), (13)
17.	A/YL-ST/537	Temporary Public Vehicle Park for Private Car for a Period of 3 Years	22.2.2019 Approved by RNTPC (3 years)	(1), (3), (5), (6), (7), (8), (10), (12), (13)
18.	A/YL-ST/540	Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 tonnes) for a Period of 3 Years	12.4.2019 Approved by RNTPC (3 years)	(1), (2), (4), (5), (6), (7), (8), (10), (13)
19.	A/YL-ST/541	Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 tonnes) with Ancillary Office for a Period of 3 Years	12.4.2019 Approved by RNTPC (3 years)	(1), (2), (4), (5), (6), (7), (8), (13)

*denotes permission revoked

Approval Conditions

- (1) No vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the site.
- (2) No medium/heavy vehicles exceeding 5.5/24 tonnes (including container vehicles/lorries/container trailers/tractors) and container vehicles are allowed to be parked on the site.
- (3) No car washing, vehicle repair workshop, canteen, site office, dismantling, paint spraying or other workshop activities are allowed on the site.
- (4) The maintenance/ and of existing fencing/ and paving on the site.
- (5) The maintenance of existing vegetation/tree planting within the site/submission and implementation of landscaping proposal/landscape and tree preservation proposal.
- (6) The maintenance of existing drainage facilities on the site/submission of a condition record of the existing drainage facilities/submission of an as-built drainage plan and a set of photographic record of the existing drainage facilities/submission and implementation of drainage proposal.
- (7) The submission and provision/implementation of fire service installations proposal.
- (8) Revocation clause.
- (9) Reinstatement clause.
- (10) A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site.
- (11) The submission and implementation of parking layout plan (designating a buffer zone right after the entrance of the site).
- (12) No vehicle other than private car is allowed to access the site.
- (13) No vehicle is allowed to queue back to public road or reverse onto/from the site.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application Site;
- (c) to note DLO/YL, LandsD's comments that the Site comprises Old Scheduled Agricultural Lots 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 Site is accessible to Tung Wing On Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STT/STW holders will need to apply to his office for modification of STT/STW conditions where appropriate. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity 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 applications 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;
- (d) to note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Tung Wing On Road. Adequate drainage measures should be provided at the Site access to prevent water flowing from the Site to nearby public roads or exclusive road drains;
- (e) to note CE/RD2-2, RDO, HyD's comments that the Site falls within the area of influence (AOI) for the possible long term extension of the proposed Northern Link (NOL) to Lok Ma Chau. 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 nuisance such as noise and vibration of the proposed NOL;
- (f) to note D of FS's comments that in consideration of the design/nature of the proposal, 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 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 Building Ordinance (BO) (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 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 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. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the 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 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 (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 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. 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 area 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 facilities on site under proper maintenance during the planning approval period;
- (i) to note DFEH's comments that for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses;

- (j) to note WSD's comments that existing water mains will be affected. A waterworks reserve within 1.5 metres from the centerline of the water mains shall be provided to his department. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of his department and their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; 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 areas.

