

Previous Applications covering the Site

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-ST/16	Container Vehicle Parking & Open Storage of Containers	3.9.1993 Approved by RNTPC (3 years)	(1), (2), (3), (5),(12)
2.	A/YL-ST/17	Temporary Container Vehicle Park and Open Storage of Containers (3 years)	29.8.1997 Approved by TPB on Review (3 years)	(1), (2), (4), (11)
3.	A/YL-ST/154*	Temporary Container Storage Yard and Container Vehicle Park with Ancillary Repair Workshop (3 years)	22.12.2000 Approved by RNTPC (3 years) (revoked on 22.6.2003)	(1), (2), (3), (4), (5), (6), (7), (8)
4.	A/YL-ST/269	Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	17.7.2004 Approved by RNTPC (3 years)	(1), (2), (5), (7), (8), (9), (10), (11), (13)
5.	A/YL-ST/333	Renewal of Planning Permission for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	9.11.2007 Approved by TPB on Review (3 years)	(7), (8), (9), (11), (13), (14), (15), (16), (17)
6.	A/YL-ST/392	Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	28.1.2011 Approved by RNTPC (3 years)	(7), (8), (9), (13), (14), (15), (16), (17)
7.	A/YL-ST/441	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	3.1.2014 Approved by RNTPC (3 years)	(4), (6), (7), (8), (9), (13), (14), (15), (16), (17)
8.	A/YL-ST/497	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park (3 years)	9.12.2016 Approved by RNTPC (3 years)	(4), (6), (7), (8), (9), (13), (14), (15), (16), (17), (18), (19), (20)

\*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of landscaping proposals and/or a 2.5m high perimeter visual screen.
- (2) The submission of drainage proposals/ The design and provision of storm water drainage facilities to mitigate flooding (and provision of drainage facilities).

- (3) The submission and implementation of vehicular access arrangement.
- (4) Paving of the site.
- (5) The provision of sewage and waste water treatment and disposal facilities.
- (6) Fencing of the site.
- (7) Revocation clause.
- (8) Reinstatement clause.
- (9) No vehicle without valid licence issued under the Road Traffic Ordinance are allowed to be parked/store on the site.
- (10) The submission of traffic impact assessment and implementation of the traffic management schemes as proposed in the approved TIA.
- (11) Setting back of the site to avoid encroachment onto the proposed road widening works of Lok Ma Chau Road/ setting back the boundary of the site to avoid encroachment onto the gazette alignment of the Sheung Shui to Lok Ma Chau Spur Line.
- (12) The submission and the provision of a Master Layout Plan.
- (13) No garage use, vehicle repair, dismantling activities and other workshop activities are allowed on site.
- (14) The submission and provision of fire services installations proposal/the provision of fire extinguisher.
- (15) The landscape planting/ existing vegetation on the site should be maintained at all times during the approval period.
- (16) The existing drainage facilities on the site should be maintained during the planning approval period.
- (17) The submission of a condition record of the existing drainage facilities.
- (18) No operation between 11:00 p.m. and 7:00 a.m. for container vehicles and handling/loading/unloading of containers is allowed on the site at any time during the planning approval period.
- (19) The submission and implementation of tree preservation proposal.
- (20) The containers stacked within 5 m of the periphery shall not exceed the height of the boundary fence/stacking height of containers stored at any other location within the site shall not exceed 8 units at any time during the planning approval period.

**Similar Applications within "U" zone  
on the approved San Tin OZP No. S/YL-ST/8**

**Approved s.16 Applications**

	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/352	Proposed Temporary Public Vehicle Park (excluding Container Vehicles) (3 years)	23.1.2009 Approved by RNTPC (3 years)	(1), (4), (5), (6), (7), (8), (9), (13), (18)
2.	A/YL-ST/357	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) (3 years)	13.2.2009 Approved by RNTPC (3 years)	(4), (5), (6), (7), (8), (9), (13), (16), (18)
3.	A/YL-ST/367	Renewal of Planning Approval for Temporary Open Storage of New Left-hand-drive Vehicles Prior to Sale (3 years)	19.6.2009 Approved by RNTPC (3 years)	(7), (8), (13), (16), (17), (18)
4.	A/YL-ST/380	Temporary Public Vehicle Park (Excluding Container Vehicle) (3 years)	18.12.2009 Approved by RNTPC (3 years)	(4), (5), (7), (8), (13), (16), (18)
5.	A/YL-ST/393	Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen) and Storage of Metal Ware and Construction Material (3 years)	28.1.2011 Approved by RNTPC (3 years)	(4), (5), (6), (9), (16), (17), (18)
6.	A/YL-ST/394	Renewal of Planning Approval for Temporary Public Car Park with Ancillary Office (3 years)	28.1.2011 Approved by RNTPC (3 years)	(4), (5), (9), (16), (17), (18)
7.	A/YL-ST/400*	Proposed Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area (3 years)	1.4.2011 Approved by RNTPC (3 years)  (revoked on 1.1.2013)	(1), (5), (6), (9), (16), (17), (18)
8.	A/YL-ST/407	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) (3 years)	16.12.2011 Approved by RNTPC (3 years)	(1), (5), (6), (9), (16), (17), (18)



	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u> <u>(RNTPC/TPB)</u>	<u>Approval</u> <u>Conditions</u>
9.	A/YL-ST/409	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) (3 years)	20.1.2012 Approved by RNTPC (3 years)	(4), (5), (6), (9), (16), (17), (18)
10.	A/YL-ST/427	Temporary Public Vehicle Park (Excluding Container Vehicle) (3 years)	7.12.2012 Approved by RNTPC (3 years)	(4), (5), (6), (9), (16), (17), (18)
11.	A/YL-ST/435	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (including a refreshment kiosk) (3 years)	16.8.2013 Approved by RNTPC (3 years)	(1), (5), (6), (9), (16), (17), (18)
12.	A/YL-ST/442	Temporary Public Vehicle Park (including private cars, container vehicles and heavy goods vehicles) with Ancillary Facilities (including vehicle repair area, site offices and canteen) , Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities (3 years)	4.4.2014 Approved by RNTPC (3 years)	(2), (4), (6), (7), (8), (9), (16)
13.	A/YL-ST/444	Temporary Public Car Park with Ancillary Office (3 years)	9.5.2014 Approved by RNTPC (3 years)	(1), (5), (6), (7), (8), (9), (13), (16), (18)
14.	A/YL-ST/448	Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area (3 years)	12.9.2014 Approved by RNTPC (3 years)	(2), (4), (6), (7), (8), (9), (13), (16)
15.	A/YL-ST/456	Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicle) (3 years)	2.1.2015 Approved by RNTPC (3 years)	(1), (5), (6), (7), (8), (9), (13), (16), (18)
16.	A/YL-ST/463	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) (3 years)	22.5.2015 Approved by RNTPC (3 years)	(1), (5), (6), (7), (8), (9), (13), (16), (18)
17.	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	17.3.2017 Approved by RNTPC (3 years)	(1), (2), (7), (8), (16), (17), (19)

	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u> <u>(RNTPC/TPB)</u>	<u>Approval</u> <u>Conditions</u>
		(3 years)		
18.	A/YL-ST/513	Renewal of Planning Approval for Temporary "Public Vehicle Park (excluding container vehicle)" (3 years)	22.12.2017 Approved by RNTPC (3 years)	(2), (4), (7), (8), (9), (13), (16), (19), (20), (21), (22)
19.	A/YL-ST/523	Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) (3 years)	18.5.2018 Approved by RNTPC (3 years)	(1), (5), (7), (8), (9), (13), (16), (18), (22), (23), (24)
20.	A/YL-ST/530	Temporary Public Car Park with Ancillary Office (3 years)	5.10.2018 Approved by RNTPC (3 years)	(2), (4), (7), (8), (9), (16), (19), (20)
21.	A/YL-ST/543	Temporary Open Storage of General Goods and Public Vehicle Park (Private Cars only) with Ancillary Site Office (3 years)	31.5.2019 Approved by RNTPC (3 years)	(2), (5), (6), (7), (8), (9), (16), (17), (20),
22.	A/YL-ST/549	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) (3 years)	5.7.2019 Approved by RNTPC (3 years)	(2), (5), (6), (7), (8), (9), (13), (16), (20)

\*denotes permission revoked

#### Approval Conditions

- (1) The submission and implementation of landscaping proposals (with tree preservation scheme and compensatory planting scheme).
- (2) The submission of drainage proposals/submission of a DIA and the implementation of flood mitigation measures/ The design and provision of storm water drainage facilities to mitigate flooding (and provision of drainage facilities).
- (3) The provision of replacement tree planting for the site.
- (4) The existing landscape planting/vegetation on the site should be maintained during the planning approval period.
- (5) The existing/implemented drainage facilities on the site should be maintained during the planning approval period.
- (6) The provision of boundary fencing on the site.
- (7) Revocation clause.
- (8) Reinstatement clause.
- (9) No vehicles without valid licence issued under the Road Traffic Ordinance are allowed to be parked/ stored on the site/ restrictions of and/or posting of a notice indicating the types of vehicles as defined under Road Traffic Ordinance to access/be parked on the site.
- (10) The submission of a traffic impact assessment and the implementation of road improvement.



- (11) Setting back the eastern boundary of the site abutting Lok Ma Chau Road to avoid encroachment on the gazetted alignment of the Sheung Shui to Lok Ma Chau Spur Line.
- (12) The staking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- (13) No canteen/ no car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site.
- (14) The setting back the boundary of the site to avoid encroachment onto the area within KCRCs 30m railway protection zone and gazetted alignment of the Sheung Shui to Lok Ma Chau Spur Line and project limit of Railway Development Study 2000 Northern Link Influence Area as and when required by Government departments.
- (15) The submission and implementation of run-in proposal.
- (16) The submission and provision of fire services installation/ the provision of fire extinguisher(s).
- (17) No night-time operation/operation on Sundays and public holidays.
- (18) The submission of a condition record of the existing drainage facilities.
- (19) The maintenance of the paving and boundary fencing on the site.
- (20) No queuing and no reverse movement of vehicles is allowed on public road/onto/from the site at any time during the planning approval period.
- (21) The existing run-in connecting Lok Ma Chau Road on the site shall be maintained at all times during the planning approval period.
- (22) The submission and implementation of layout plan of the vehicle park.
- (23) The setting back of the western boundary of the site at least 1.5m from the centreline of the existing 150mm diameter water mains at any time during the planning approval period.
- (24) The maintenance of the buffer area within the site fronting Castle Peak Road – San Tin to avoid queuing on Castle Peak Road – San Tin at all times during planning approval period.

### Rejected s.16 Application

<u>No.</u>	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-ST/417	Proposed Temporary Public Vehicle Park (for Private Cars Only) (3 years)	10.5.2013 Rejected by TPB on review	(1), (2)

#### Rejection Reasons:

- 1 The temporary development is not in line with the planning intention of the "GB" zone. The applicant fails to provide strong planning justification for departing from the planning intention, even on a temporary basis.
- 2 The temporary development is not in line with TPB PG-No. 10 as there are no exceptional circumstances that warrant approval of the application the encroachment into the "GB" zone has degraded the natural landscape of the affected area. The applicant also fails to demonstrate that temporary public vehicle park would not have adverse landscape, traffic and drainage impacts on the surrounding area.





**Recommended Advisory Clauses**

- (a) to note DLO/YL, LandsD's comments that no permission is given for occupation of the Government Land (GL) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. The Site is accessible from Lok Ma Chau Road through both private land and GL. His office provides no maintenance work for the GL involved and do not guarantee any right-of-way. The Short Term Waiver (STW) holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed 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 application(s) 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 LandsD;
- (b) 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 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;
- (c) 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 Lok Ma Chau Road;
- (d) to note CE/RD 2-2, RDO, HyD's comments that with reference to the procedures in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-24, the applicant should consult MTR Corporation Limited with respect to operation, maintenance, safety and future construction of the existing railway network. The Site also falls within the area of influence of the possible long term extension of the proposed Northern Link to Lok Ma Chau, which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed Northern Link are still under review, those areas within the area of influence may be required to be vacated at the time for the construction of Northern Link and subject to nuisance, such as noise and vibration of the proposed Northern Link;
- (e) to note D of FS' 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 reminded that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; (iii) good practice guidelines for open storage should be adhered to (**Appendix IV**). To address



the approval condition on the provision of fire extinguisher(s), the applicant shall be advised to submit a valid fire certificate (FS251) to his Department for approval. 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;

- (f) to note CBS/NTW, BD's comments that 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 BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the 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. 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 application 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;
- (g) to note CE/MN, DSD's comments that the applicant implemented the drainage facilities on Site under previous planning Application No. A/YL-ST/497. The relevant drainage proposal and implementation works were considered satisfactory at that time. The applicant is asked to provide DSD a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. The photos included in the Planning Statement by the applicant are considered insufficient for the purpose. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive 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 shall not cause encroachment upon areas outside the applicant's 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 application 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; and
- (h) 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.