

Previous Applications covering the Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-ST/76	Temporary Container Trailer and Tractor Park for a Period of 12 Months	22.1.1999 Approved by RNTPC (12 months)	2, 3, 6, 7, 8
2.	A/YL-ST/81	Temporary Warehouse & Container Trailer & Tractor Park for a Period of 12 Months	30.4.1999 Approved by RNTPC (12 months)	2, 3, 6, 9
3.	A/YL-ST/114*	Temporary Container Trailer/Tractor Park for a Period of 3 Years	3.3.2000 Approved by RNTPC (3 years) [revoked on 3.9.2001]	2, 3, 6, 8, 21
4.	A/YL-ST/124	Proposed Residential Development	5.5.2000 Approved by RNTPC	3, 10, 11, 12, 13, 14, 15
5.	A/YL-ST/130*	Temporary Warehouse and Container Tractor and Trailer Park for a Period of 3 Years	2.6.2000 Approved by RNTPC (3 years) [revoked on 2.12.2001]	2, 3, 6, 8, 21
6.	A/YL-ST/508*	Proposed Temporary Cold Storage for a Period of 3 Years	12.1.2018 Approved by RNTPC (3 years) [revoked on 12.6.2020]	1, 2, 3, 6, 8, 17, 19, 20, 21

*Denotes permission revoked

Approved Applications overlapping with about 6.9% of the Site

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
7.	A/YL-ST/53	Temporary Open Storage and Retail Sale of Construction Machinery and Parts for a Period of 12 Months	22.5.1998 Approved by RNTPC (12 months)	2, 3, 4, 5, 6
8.	A/YL-ST/85	Temporary Retail Sale & Open Storage of Construction Machinery for a Period of 12 Months	28.5.1999 Approved by RNTPC (12 months)	2, 3, 6
9.	A/YL-ST/133	Temporary Retail Sale and Open Storage of Construction Machinery for a Period of 3 Years	30.6.2000 Approved by RNTPC (3 years)	2, 3, 6, 21
10.	A/YL-ST/244	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	15.8.2003 Approved by RNTPC (3 years)	2, 3, 5, 6, 16, 21
11.	A/YL-ST/327	Temporary Open Storage and Retail Shop of Construction Machinery for a Period of 3 Years	19.1.2007 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 17, 21
12.	A/YL-ST/386	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	19.3.2010 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 8, 12, 17, 18, 21

13.	A/YL-ST/432	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	7.6.2013 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 8, 12, 17, 18, 21
14.	A/YL-ST/493	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	26.8.2016 Approved by RNTPC (3 years)	1, 2, 3, 5, 8, 17, 21
15.	A/YL-ST/551	Renewal of Planning Approval for Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	19.7.2019 Approved by RNTPC (3 years)	1, 3, 5, 8, 17, 21

Approval Conditions

- (1) The submission and implementation of fire service installations proposal / The provision of fire extinguisher(s)/ the provision of 3 kg dry powder/9-litre water type fire extinguisher in the site office.
- (2) The submission and implementation of landscaping proposals/ tree preservation and landscaping proposals/ the landscape planting on the application site should be maintained at all time/ the implementation of compensatory planting for the missing trees on the site.
- (3) The provision of drainage facilities/ the submission of a drainage and sewerage impact assessment and implementation of relevant mitigation measures/ the drainage facilities on the application site should be maintained at all time/ the submission of a condition record of the existing drainage facilities.
- (4) The provision of mitigation measures to abate possible visual, noise and environmental impacts.
- (5) No car washing, dismantling, repairing or other workshop activities involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing were allowed on the site/ no repairing, fuelling and dismantling activities were allowed on the application site/ no machinery repairing and works involving metal cutting/drilling, paint spraying, hammering and changing oil/lubricant should be conducted on-site.
- (6) Upon the expiry of the planning permission, the reinstatement of the application site to amenity area.
- (7) The provision of vehicle manoeuvring space within the site.
- (8) The provision of fencing (and paving) on the site.
- (9) The provision of corrugated steel sheet fencing painted in dark green and paving on the site.
- (10) The submission and implementation of a revised Master Layout Plan including the phasing and programming of the proposed development.
- (11) The designation of non-building area within the site along Castle Peak Road - San Tin for future road widening.
- (12) The setting back of the site from Castle Peak Road - San Tin for footpath widening/ the setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project 'Cycle Tracks Connecting NWNT with NENT - Section from Tuen Mun to Sheung Shui' as and when required by the Government.
- (13) The submission and implementation of a Master Landscape Plan including a tree survey, proposals for preservation of the existing vegetation on the site, tree felling, tree transplanting and compensatory tree planting proposals, management scheme and implementation programme.
- (14) The design and construction of the junction improvement.
- (15) The submission of a natural terrain hazard study for the slope to the west of the application site.
- (16) The submission of parking layout including access arrangement.
- (17) No operation for certain time limit specified in the approved conditions of respective applications/on Sundays and public holidays.

- (18) No vehicular access point other than the vehicular access point at the west of the site.
- (19) No medium/heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to enter, park or operate on the Site at any time during the planning approval period.
- (20) The provision and maintenance of free pedestrian and vehicular access (including EVA) to the surrounding residential dwelling during the planning approval period.
- (21) Revocation clause.

Rejected Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Rejection Reasons
1.	A/YL-ST/185	Temporary Container Tractor and Trailer Park for a Period of 3 Years	1.3.2002 Rejected by RNTPC	1, 2
2.	A/YL-ST/196	Temporary Warehouse, Container Tractor/Trailer Park for a Period of 3 Years	10.5.2002 Rejected by RNTPC	1, 2
3.	A/YL-ST/199	Temporary Container Trailer/Tractor Park for a Period of 3 Years	31.5.2002 Rejected by RNTPC	1, 2
4.	A/YL-ST/205	Temporary Warehouse, Container Tractor/Trailer Park for a Period of 3 Years	9.8.2002 Rejected by RNTPC	1, 2
5.	A/YL-ST/209	Temporary Container Tractor and Trailer Park for a Period of 3 Years	13.9.2002 Rejected by RNTPC	2
6.	A/YL-ST/212	Temporary Warehouse, Container Trailer and Tractor Park for a Period of 3 Years	25.10.2002 Rejected by RNTPC	1, 2
7.	A/YL-ST/224	Temporary Container Trailer/Tractor Park for a Period of 3 Years	7.2.2003 Rejected by RNTPC	1, 2
8.	A/YL-ST/235	Temporary Open Storage of Construction Machinery for Sale for a Period of 3 Years	16.5.2003 Rejected by RNTPC	2, 3
9.	A/YL-ST/249	Temporary Retail and Open Storage of Construction Machinery for a Period of 3 Years	16.1.2004 Rejected by TPB on review	2, 3
10.	A/YL-ST/265	Temporary Open Storage and Retail of Construction Machinery for a Period of 3 Years	17.9.2004 Rejected by TPB on review	2, 3, 4
11.	A/YL-ST/286	Temporary Open Storage of Construction Machinery and Parts for Sale for a Period of 3 Years	15.7.2005 Rejected by RNTPC	2, 3, 4
12.	A/YL-ST/332	Temporary Open Storage and Retail of Construction Machinery for a Period of 3 Years	22.6.2007 Rejected by RNTPC	2, 3, 4

Rejection Reasons

- (1) The local track leading to the site is far below the standard for use by heavy vehicles. The proposed container parking arrangement within the site is considered not satisfactory.
- (2) There is insufficient information in the submission to demonstrate that the proposed use would not generate adverse environmental and drainage impacts on the surrounding areas.
- (3) The development was not in line with the planning intention of the "Residential (Group D)" zone, which was to improve and to upgrade the existing temporary domestic accommodations and to cater for low-rise and low-density residential developments.
- (4) The development was not in line with the Town Planning Board Guidelines on 'Application for Open Storage and Port Back-up Uses' in that there were adverse departmental comments.

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

Approved s.16 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/405*	Proposed Temporary Warehouse for Storage of Electric Products for a Period of 3 Years	17.6.2011 Approved by RNTPC (3 years) [Revoked on 17.6.2012]	1-15

*Denotes permission revoked

Approval Conditions

- (1) The submission of fire service installations proposal and the provision of fire service installations.
- (2) The existing drainage facilities on the site should be maintained at all times during the planning approval period and submission of as-built drainage plan and photographic records of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals.
- (4) The paving and boundary fencing on the site should be maintained.
- (5) The setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project 'Cycle Tracks Connecting North West New Territories with North East New Territories - Sheung Shui to Tuen Mun Section' as and when required by the Government/the setting back of the northeastern boundary of the site to avoid encroachment on the site of the proposed sewage pumping station,
- (6) No night-time operation.
- (7) No operation on Sundays and public holidays was allowed on the site.
- (8) No car washing, cutting, dismantling, repairing and workshop activity.
- (9) No heavy goods vehicles exceeding 24 tonnes and container trailers or tractors as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (10) The submission and implementation/provision of proposal on buffer zone.
- (11) The submission of run-in proposal and provision of run-in.
- (12) No storage of used electric product of appliance was allowed on the site at any time during the planning approval period.
- (13) The relocation of the ingress/egress of the site to facilitate the implementation of the proposed sewage pumping station to the northeast of the site as and when required by the Government.
- (14) Revocation clause.
- (15) Reinstatement clause.



Recommended Advisory Clauses

- (a) shorter compliance period for close monitoring of progress on compliance with the approval conditions are recommended. Should the applicant fail to comply with approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) to resolve any access issue relating to the development with the adjacent land owner(s)/resident(s) to address their concerns;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
 - (i) the Site comprises Government Land (GL) and 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;
 - (ii) a portion of the GL with an area of about 116m² of the Site (Plan A-2) is covered by STT No. 2997 for the purpose of “Temporary Open Storage and Retail Sale of Construction Machinery”;
 - (iii) no permission is given for occupation of the remaining GL of about 339m² in area (subject to verification) included in the Site. The act of occupation of the remaining GL without Government’s prior approval is not allowed;
 - (iv) the private land (PL) of Lot No. 16 S.B RP in D.D. 105 is covered by Short Term Waiver (STW) No. 3145 to permit structures for the purpose of “Storage and Retail Sale of Construction Machinery and Ancillary Use”; and
 - (v) the STT/STW holders will need to apply to this office for modification of the STT/STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to this office for permitting the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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 rent or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport (C for T) as follows:
 - (i) the Site is connected to Castle Peak Road – San Tin via a section of a local access which is not managed by Transport Department (TD). The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance authorities accordingly; and

- (ii) as there is no information about the vehicular access at the private lot(s) to the Site, the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) as follows:
 - (i) the proposed access arrangement of the Site from Castle Peak Road – San Tin should be commented and approved by TD;
 - (ii) HyD shall not be responsible for the maintenance of any vehicular access connecting the Site and Castle Peak Road – San Tin; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) as follows:

the applicant and his staff should be advised to avoid disturbing any wild birds including their nests and eggs which are protected under the Wild Animals Protection Ordinance, Cap. 170. Any lighting facilities installed on site should also be directed towards the Site as far as practicable;

- (g) to note the comments of the Director of Fire Services (D of FS) as follows:
 - (i) in consideration of the design/nature of the proposal, fire services 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 should also be advised on the following points:
 - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (2) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) the applicant should be 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 the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
 - (i) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) 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) under the Building Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with prevailing 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;
 - (iii) 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; and
 - (iv) 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;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
- (i) the drainage proposal submitted by the applicant (**Appendix Ia**) is considered unacceptable from drainage operation and maintenance point of view. The applicant is requested to duly address his comments below and re-submit the proposal to him for comments:
 - (1) the applicant is reminded generally that the drainage proposal should demonstrate how to collect, convey and discharge rain water falling onto or flowing to the 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. (For preparation of the drainage proposal, the 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 or https://www.dsd.gov.hk/TC/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
 - (2) catchpits should be provided at 'all' bends with full level information marked on the drainage plan. Please review;
 - (3) drainage should be provided between catchpit U1 and U6;
 - (4) please provide full information of the proposed discharge point (existing channel) i.e. size, shape and invert level. Photos should be submitted to show the existing condition of the point;
 - (5) details for the connection between the last manhole & the existing channel

should be provided; and

- (6) with the use of invert levels, please verify that there will not be any backflow effect for the discharge point;
 - (ii) after completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan; DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
 - (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent area;
 - (iv) to public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
 - (v) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
 - (vi) 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; and
 - (vii) 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;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) as follows:
- some existing trees adjacent to the east and west of the site boundary is likely to extend inside the Site. The applicant is reminded that caution should be taken in close proximity of the above trees during construction. Comment and approval on proposed tree works should be sought from relevant department i.e. LandsD prior to the commencement;
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) as follows:
- (i) existing water mains will be affected. A waterworks reserve with 1.5m from the centerline of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (ii) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main; and

- (iii) 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
- (l) the applicant is advised to follow the revised "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites".

