

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

| <b><u>No.</u></b> | <b><u>Application No.</u></b> | <b><u>Proposed Uses</u></b>   | <b><u>Date of Consideration (RNTPC/TPB)</u></b>                       | <b><u>Approval Conditions</u></b> |
|-------------------|-------------------------------|---|---|-----------------------------------|
| 1.                | A/YL-ST/156                   | Temporary repair workshop for lorries, tractors, trailers and private cars with ancillary emergency repair services for a period of 3 years         | 22.12.2000<br>Approved by RNTPC<br>(3 years)                          | 1, 2, 4, 8, 9, 10                 |
| 2.                | A/YL-ST/255                   | Temporary vehicle repair workshop for lorries, tractors, trailers and private cars with ancillary emergency repair services for a period of 3 years | 19.12.2003<br>Approved by RNTPC<br>(3 years)                          | 1, 2, 5, 8, 9, 10                 |
| 3.                | A/YL-ST/328                   | Temporary vehicle repair workshop for a period of 3 years   | 19.01.2007<br>Approved by RNTPC<br>(3 years)                          | 1-12                              |
| 4.                | A/YL-ST/378                   | Renewal of temporary vehicle repair workshop for a period of 3 years  | 4.12.2009<br>Approved by RNTPC<br>(3 years)                           | 1-10                              |
| 5.                | A/YL-ST/426*                  | Renewal of temporary vehicle repair workshop for a period of 3 years  | 23.11.2012<br>Approved by RNTPC<br>(3 years)<br>(Revoked on 4.6.2013) | 1-10                              |
| 6.                | A/YL-ST/452                   | Temporary vehicle repair workshop with office for a period of 3 years   | 31.10.2014<br>Approved by RNTPC<br>(3 years)                          | 1-9                               |
| 7.                | A/YL-ST/510                   | Renewal of planning approval for temporary vehicle repair workshop with office for a period of 3 years  | 27.10.2017<br>Approved by RNTPC<br>(3 years)                          | 1-9                               |

\* denotes permission revoked

**Approval Conditions**

- (1) The submission and implementation of landscaping and tree preservation proposals/The landscape planting, existing trees or vegetation on the site should be maintained at all times during the approval period.
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period.
- (3) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher.
- (4) The paving and boundary fencing on the site shall be maintained at all times during the planning approval period/ the provision of fencing and paving.
- (5) No night time operation.
- (6) No operation on Sundays and public holidays.
- (7) The paving and boundary fencing on the site shall be maintained at all times during the planning approval period.
- (8) Revocation clause.

- (9) Reinstatement clause.
- (10) The sewage treatment and disposal facilities should be maintained at all times during the planning approval period/ the submission of sewage treatment and disposal proposal and provision of such facilities.
- (11) The submission and implementation of a vehicular access proposal.
- (12) The submission of a run-in/out proposal and the provision of a proper run-in/out.

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

**Approved Applications**

| <b>No.</b> | <b>Application No.</b> | <b>Proposed Uses</b>   | <b>Date of Consideration<br/>(RNTPC/TPB)</b>                                | <b>Approval<br/>Conditions</b> |
|------------|------------------------|--|---|--------------------------------|
| 1.         | A/YL-ST/414            | Temporary open storage of containers and cargo handling and forwarding facilities with ancillary container trailer park and vehicle repair workshop for a period of 3 Year | 18.5.2012<br>Approved by<br>RNTPC<br>(3 years)<br>(Revoked on<br>18.6.2014) | 1-8, 10-12,<br>14, 15          |
| 2.         | A/YL-ST/418            | Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years                       | 7.9.2012<br>Approved by<br>RNTPC<br>(3 years)                               | 1-3, 5-7, 10-<br>14            |
| 3.         | A/YL-ST/420            | Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years   | 7.9.2012<br>Approved by<br>RNTPC<br>(3 years)                               | 1-3, 5, 7, 8,<br>10-12, 14, 15 |
| 4.         | A/YL-ST/465            | Temporary cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop for a period of 3 years                                     | 25.5.2015<br>Approved by<br>RNTPC<br>(3 years)                              | 1-3, 5, 7, 8,<br>10-12, 14, 15 |
| 5.         | A/YL-ST/475            | Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years                       | 4.9.2015<br>Approved by<br>RNTPC<br>(3 years)                               | 1-4, 6, 7, 10-<br>13           |
| 6.         | A/YL-ST/478            | Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years   | 9.10.2015<br>Approved by<br>RNTPC<br>(3 years)                              | 1-3, 7, 8, 10-<br>12, 14, 15   |
| 7.         | A/YL-ST/527            | Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years                       | 3.8.2018<br>Approved by<br>RNTPC<br>(3 years)                               | 1-3, 6, 7, 10-<br>13           |
| 8.         | A/YL-ST/535            | Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years   | 18.1.2019<br>Approved by<br>RNTPC<br>(3 years)                              | 1-3, 7-12                      |

Approval Conditions

- (1) The submission and implementation of landscaping and tree preservation proposals/The landscape planting or existing trees on the site should be maintained at all times during the approval period.
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period.
- (3) The submission and implementation of fire service installations proposal.
- (4) Setting back the north-eastern boundary of the site to avoid encroachment onto the works area of "PWP Item No. 4112CD - Drainage Improvement at Northern New Territories Package A - Drainage Improvement Works in San Tin (Remaining Works)" /the setting back of the boundary of the site to avoid encroachment onto the works limit of project PWP Item No. 7259RS cycle tracks connecting North West New Territories with North East New Territories - Tuen Mun to Sheung Shui Section (Remaining) as and when required by the Government to the satisfaction of the Director of Drainage Services/ Director of Civil Engineering and Development or of the TPB.
- (5) The stacking height of containers stored at any other location within the site should not exceed 8 units at any time during the planning approval period/ the containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period.
- (6) Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB
- (7) No night time operation.
- (8) No operation on Sundays and public holidays.
- (9) Only lorry crane (vehicle length not over 7m) is allowed to access the site at anytime during the planning approval period.
- (10) No vehicle is allowed to queue back to or reverse onto/form the site at any time during the planning approval period.
- (11) The maintenance of paving and boundary fencing on the site at all times during planning approval period/ the provision of boundary fencing.
- (12) Revocation clause.
- (13) No vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the site during the planning approval period.
- (14) A vehicular access/run-in between the site and Castle Peak Road – San Tin/Shek Wu Wai Road shall maintained at all times during the planning approval period.
- (15) The submission of proposal on and/or the provision/maintenance of buffer area fronting Castle Peak Road – San Tin.

**Recommended Advisory Clauses**

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the site;
- (b) to note the comments of the DLO/YL, LandsD that The Site comprises Government Land (GL) and Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The GL of the Site is covered by a Short Term Tenancy (STT) No. 2813 for the purpose of “Temporary Vehicle Repair Workshop with Office”. The private land of Lot No.354 and 210 in D.D.105 are covered by Short Term Waiver (STW) No. 3984 and 4632 respectively to permit structures for the purpose of “Temporary Vehicle Repair Workshop with Office” and “Temporary Cargo Handling and Forwarding Facilities and Open Storage of Containers with Vehicle Repair Workshop”. The STT/STT holders will need to apply to his office for modification of the STW/STT conditions if there is any irregularity on site. Moreover, the lot owner(s) of the lot(s) without STW 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 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 the Lands Department 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 the comments of the C for T that the Site is connected to Castle Peak Road – San Tin via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with the Lands Department by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly. As there is no information about the vehicular access at the private lot(s) to the concerned 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; and
- (d) to note the comments of the CHE/NTW, HyD that HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the CBS/NTW, BD that there is no record of approval by the Building Authority (BA) for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application. 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 Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA 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 BA 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;

- (f) to note the comments of CE/MN, DSD that the applicant implemented the drainage facilities on site under the last previous planning Application No. A/YL-ST/510. The relevant drainage proposal and implementation works were considered satisfactory at the time. The applicant should provide DSD a set of latest record photographs showing the completed drainage works (including internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. The photos included in the submission by the applicant is 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 drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. No public sewerage maintained by 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 drainage works outside the lot 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 at all times; and
- (g) 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.