

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

**Approved Applications**

<b>No.</b>	<b>Application No.</b>	<b>Proposed Use(s)/ Development(s)</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Conditions</b>
1.	A/YL-ST/57	Temporary container trailer park and vehicle for repairing/washing workshop with restaurant for a period of 12 months	3.7.1998 Approved by RNTPC (12 months)	(2), (3), (4), (10)
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)	(2), (3), (4), (10)
3.	A/YL-ST/261*	Temporary sale office for second-hand private vehicles for a period of 12 months	4.6.2004 Approved by TPB on review (12 months) [revoked on 4.5.2005]	(2), (3), (5), (9), (10)
4.	A/YL-ST/288*	Temporary public vehicle park (excluding container vehicles) for a period of 3 years	18.11.2005 Approved by TPB on review (12 months) [revoked on 18.2.2006]	(1), (2), (3), (5), (6), (7)
5.	A/YL-ST/317*	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	18.8.2006 Approved by RNTPC (12 months) [revoked on 18.7.2007]	(1), (2), (3), (5), (6), (7), (9), (10)
6.	A/YL-ST/343	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	4.1.2008 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (7), (9), (10)
7.	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), (8), (9), (10)
8.	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), (8), (9), (10)

\* denotes permission revoked

**Approval Conditions**

- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s).
- (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/The submission of a condition record of the existing drainage facilities.

- (3) 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.
- (4) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (5) No vehicle washing and/or dismantling and/or repairing and/or workshop activity.
- (6) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (7) Only private cars, taxis, light vans and motor bikes were allowed to be parked on the site.
- (8) No medium or 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 (with a notice indicating the above posted at a prominent location of the site).
- (9) Revocation Clause.
- (10) Reinstatement Clause

### Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
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), (7)
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), (7)
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), (7)
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), (5), (6), (7)
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), (4), (6), (7)
6.	A/YL-ST/203	Temporary container trailer park with vehicle washing/repairing	9.8.2002 Rejected by	(1), (2), (4), (6)

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
		workshop and canteen for a period of 3 years	RNTPC	
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 on review	(1), (2), (4), (6)
8.	A/YL-ST/270	Temporary public car park for a period of 3 years	30.7.2004 Rejected by RNTPC	(1), (4), (6)
9.	A/YL-ST/307	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	28.4.2006 Rejected by RNTPC	(1), (4)
10.	A/YL-ST/505	Proposed Temporary Shop and Services (Convenient Store and Currency Exchange Shop) for a Period of 3 Years	14.7.2017 Rejected by RNTPC	(1), (4)

Rejection Reasons

- (1) Not in line with the planning intention of "V" zone.
- (2) Incompatible with the surrounding land uses/residential development.
- (3) Insufficient information to demonstrate that the development will not have adverse impact on the environment.
- (4) Insufficient information to demonstrate that the development will not have adverse environmental and/or landscaping and/or visual and/or traffic and/or drainage and/or sewerage impacts, where appropriate, on the nearby village settlements or surrounding areas.
- (5) Insufficient information to demonstrate that a proper vehicular access could be provided (for container trailer traffic) to the site without having adverse impact on the surrounding area.
- (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.
- (7) Setting undesirable precedent for similar applications.



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

**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/356	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	17.4.2009 Approved by RNTPC Until 28.3.2011	(2), (3), (4), (5), (6), (7), (12), (13)
2.	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), (12), (13)
3.	A/YL-ST/368	Temporary public vehicle park (excluding container vehicle) for a period of 2 years	19.6.2009 Approved by RNTPC (2 years)	(1), (2), (3), (5), (6), (7), (12), (13)
4.	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)	(2), (3), (4), (5), (6), (7), (12), (13)
5.	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)	(2), (3), (4), (5), (6), (7), (12), (13)
6.	A/YL-ST/397	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), (5), (6), (7), (9), (12), (13)
7.	A/YL-ST/398*	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), (5), (6), (7), (9), (12), (13)
8.	A/YL-ST/402	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), (9), (12), (13)
9.	A/YL-ST/422	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	5.10.2012 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (9), (10), (12), (13)
10.	A/YL-ST/423	Temporary public vehicle park (excluding container vehicle) for a period of 3 years	5.10.2012 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6), (7), (9), (10), (12), (13)

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
11.	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), (9), (10), (12), (13)
12.	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), (5), (6), (8), (9), (10), (12), (13)
13.	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), (6), (7), (9), (12), (13)
14.	A/YL-ST/472*	Temporary public vehicle park (excluding container vehicle) 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), (9), (12), (13)
15.	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), (4), (5), (6), (8), (9), (12), (13)
16.	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), (9), (12), (13), (15)
17.	A/YL-ST/531	Temporary Parking of Private Vehicles for a Period of 3 Years	5.10.2018 Approved by RNTPC (3 years)	(1), (2), (4), (8), (9), (12), (13), (14)
18.	A/YL-ST/536	Temporary Public Vehicle Park (Private Cars only) for a Period of 3 Years	1.2.2019 RNTPC (3 years)	(1), (2), (3), (4), (8), (12), (14)

\*denotes permission revoked

#### Approval Conditions

- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s).
- (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/The submission of a condition record of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals / The (existing) landscape planting/vegetation 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) No vehicle washing, dismantling, repairing and workshop activity.
- (6) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be

parked/stored on the site.

- (7) No medium or 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.
- (8) Only private cars as defined in the Road Traffic Ordinance were allowed to be parked on the site.
- (9) A notice should be posted at a prominent location of the site at all time to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors / only private cars as defined in the Road Traffic Ordinance is allowed to be parked/stored/access on the site.
- (10) The submission and provision of a layout plan including vehicular access and car parking arrangement/ a proper run-in /a vehicular access should be maintained.
- (11) No operation for certain time limit specified in the approved conditions of respective applications.
- (12) Revocation Clause
- (13) Reinstatement Clause
- (14) No vehicle is allowed to queue back to public road or reverse onto/from the site.
- (15) The submission and implementation of buffer zone.





**Recommended Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site and the access to the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note DLO/YL, LandsD's comments that the Site comprises 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. The GL (about 258 m<sup>2</sup> subject to verification) is covered by Short Term Tenancy No. 2942 (STT 2942) for the purpose of temporary public vehicle park for private car and light goods vehicle. The Site is accessible to Castle Peak Road – San Tin through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STT holder will need to apply to his office for modification of STT conditions where appropriate and 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 to regularize any irregularities 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 application(s) 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;
- (d) 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 Transport Department (TD). The land status of the local access road should be clarified with 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. His office received several enquiries on the need of motorcycle parking at San Tin area. The applicant is invited to consider providing motorcycle parking spaces within the Site;
- (e) to note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Castle Peak Road – San Tin. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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 Buildings Department (BD) should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). 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 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) Regulation respectively. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be

determined under Regulation 19(3) of the Building (Planning) Regulation 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/479. The relevant drainage proposal & implementation works were considered satisfactory at that time. Under current application, the planning area is not much different from the previous application. The applicant should 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. 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 should not cause encroachment upon areas 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 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 facilities on site under proper maintenance at all times;
- (h) to note D of FS's comments that in consideration of the design/nature of the proposal, fire service 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 that (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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note C of P's comments that staff should be arranged at ingress/egress to ensure vehicle flow in an orderly manner. No vehicle should be allowed to wait outside the Site and, if necessary, Police would take stringent enforcement action against any report of vehicle obstruction;
- (j) to note DEFH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence and/or permit issued by FEHD is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to 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
- (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.