

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

**Approved Applications**

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/234*	Proposed temporary public car park for a Period of 3 Years	5.9.2003 Approved by TPB on review (2 years) (Revoked on 5.8.2005)	(1), (2), (3), (5), (6), (7), (8), (9), (10)
2.	A/YL-ST/292	Temporary public car park for a Period of 3 Years	17.3.2006 Approved by RNTPC (3 years)	(1), (2), (4), (6), (7), (8), (9), (10),
3.	A/YL-ST/337*	Proposed temporary public vehicle park (excluding container vehicle) for a Period of 3 Years	24.8.2007 Approved by RNTPC (2 years) (Revoked on 24.3.2009)	(1), (2), (4), (6), (7), (8), (9), (10), (11), (14)
4.	A/YL-ST/347*	Proposed temporary public vehicle park (excluding container vehicle) for a Period of 3 Years	4.7.2008 Approved by RNTPC (up to 17.3.2009) (Revoked on 4.1.2009)	(1), (2), (6), (7), (8), (9), (10) (14)
5.	A/YL-ST/362	Temporary public vehicle park (excluding container vehicle) for a Period of 3 Years	13.3.2009 Approved by RNTPC (3 years)	(1), (2), (6), (7), (9), (10), (11), (13), (14)
6.	A/YL-ST/410*	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	10.2.2012 Approved by RNTPC (3 years) (Revoked on 2.4.2013)	(1), (2), (6), (7), (9), (10), (11), (13), (14), (15), (16)
7.	A/YL-ST/434	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	5.7.2013 Approved by RNTPC (3 years)	(1), (2), (6), (8), (9), (10), (11), (12), (13), (16), (17)
8.	A/YL-ST/487	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	13.5.2016 Approved by RNTPC (3 years)	(1), (2), (6), (7), (8), (10), (11), (12), (16)

\* denotes permission revoked

**Approval Conditions:**

- (1) The submission and implementation of landscaping proposals (including tree preservation scheme)/existing planting plan /provision of replacement tree planting / maintenance of landscape planting/vegetation on site.
- (2) The submission of as-planted plan/drainage proposals/Drainage Impact Assessment (DIA) and provision of drainage facilities.

- (3) The provision of vehicular access to the site.
- (4) The provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office.
- (5) The setting back of the site boundary to avoid encroachment onto the scheme boundary of the Sheung Shui to Lok Ma Chau Spur Line rail project.
- (6) No vehicles without valid licence were allowed to be parked on 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 / only private cars are allowed to be parked/stored on the site.
- (8) No car repairing workshop activities and/or no car washing were allowed on site.
- (9) Reinstatement clause.
- (10) Revocation clauses.
- (11) Provision/maintenance of fencing and/or paving of the site.
- (12) A notice should be posted at a prominent location of the site to indicate that only specific type(s) of vehicles was allowed to be parked/stored on the site
- (13) No car washing, vehicle repairing workshop and canteen are allowed on the site.
- (14) The implementation of the flood mitigation measures and drainage facilities identified in the revised DIA
- (15) Maintenance of existing drainage facilities on site.
- (16) Submission and implementation of FSIs proposal / provision of FSIs
- (17) Submission and implementation of parking layout plan.

### Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reasons for Rejection</u>
1.	A/YL-ST/147	Proposed temporary vehicle park for private cars, lorries and container trailers for a period of 3 years	25.5.2001 Rejected by TPB on review	(1), (2), (3), (4), (5)
2.	A/YL-ST/211	Proposed temporary public vehicle park for a period of 3 years	28.2.2003 Rejected by TPB on review	(1), (3), (5), (6), (7)

### Main Reasons for Rejection:

- (1) The proposed development was not in line with the planning intention of the zone. There was no strong justification given in the application to merit a departure from this planning intention.
- (2) The development, which involved movement of heavy vehicles, was not compatible with the nearby village settlements of Chau Tau Tsuen.
- (3) There was insufficient information in the submission to demonstrate that the development, which involved and site levelling (and pond filling), would not have adverse drainage impacts on the surrounding areas.
- (4) There was insufficient information in the submission to demonstrate that a proper vehicular access could be provided for the development.
- (5) The approval of the application would set an undesirable precedent for other similar applications within the zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- (6) There was insufficient information in the submission to demonstrate that the proposed use would not have adverse landscape and visual impacts on the surrounding area.
- (7) There was insufficient information in the submission to demonstrate that the western part of the application site would be kept as a landscaped area within the development.

**Similar s.16 Applications within the same “GB” zone  
on the San Tin OZP No. S/YL-ST/8**

**Approved Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Zoning</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/400	“GB” and “U”	Proposed temporary public vehicle park (for private cars only) and landscaped area	1.4.2011 Approved by RNTPC (3 years) (Revoked on 1.1.2013)	(1) to (11)
2.	A/YL-ST/448	“GB” and “U”	Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area for a Period of 3 Years	12.9.2014 Approved by RNTPC (3 years)	(1) to (6), (8), (9), (11)

\*denotes permission revoked

**Approval Conditions**

- (1) The submission and implementation of landscaping proposals (including tree preservation scheme) / maintenance of existing trees.
- (2) The provision of drainage facilities / implementation of accepted drainage proposal.
- (3) Revocation clauses.
- (4) Reinstatement clause.
- (5) No vehicles without valid licences under the Road Traffic Ordinance to be parked/stored on the site.
- (6) Only private car as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site.
- (7) A notice should be posted at a prominent location of the site to indicate that only private cars were allowed to be parked /stored on the site.
- (8) No car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site.
- (9) The provision of paving and/or boundary fencing.
- (10) The submission of drainage proposal including detailed hydraulic calculation.
- (11) The submission and provision of FSIs proposal.

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Zoning</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Main Reasons for Rejection</u></b>
1.	A/YL-ST/417	"GB" and "U"	Temporary public vehicle park (for private cars only) for a period of 3 years	10.5.2013 Rejected by the TPB upon review	All

**Main Reasons for Rejection:**

- (1) The proposed development was not in line with the planning intention of the "Green Belt" ("GB") zone which was to define the limits of urban development areas by natural features, contain urban sprawl and provide passive recreational outlets. There was no strong justification given in the application to merit a departure from this planning intention.
- (2) The proposed development was not in line with the Town Planning Board Guidelines for Application for Development within "Green Belt" Zone as there was a general presumption against development within a "GB" zone/there are no exceptional circumstances that warrant approval of the application.
- (3) Approval of this application would set an undesirable precedent for similar applications, the cumulative effect of approving these similar applications would further degrade the environment of the area/ would jeopardize the implementation of the Spur Line project.
- (4) The development does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous planning approval has been granted for the applied use at the extended "GB" portion of the site

**Recommended Advisory Clauses**

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that the Site is accessible from Castle Peak Road – Chau Tau through Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Moreover, the lots owner of the lot(s) without STW will need to apply to his office for permitting for the structures to be erected or 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 as 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 the payment of premium or fee, as may be imposed by LandsD;
- (c) to note C for T's comments that 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;
- (d) to note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Castle Peak Road – Chau Tau. 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;
- (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. In addition, 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 FSI 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 Buildings Ordinance (BO) (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 as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. 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). 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 designed for any proposed use under the captioned 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 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 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 application is related to the previous planning application No. A/YL-ST/487 with information submitted for reference. However, the site photos included in the information are considered unacceptable. Under the current application, the applicant is requested to provide a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with corresponding photograph locations marked clearly on the approved drainage plan. DSD will then review the proposals accordingly. 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, LandsD regarding all the 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 works on site under proper maintenance at all times;
- (h) to note C of P's comments that obstruction to the adjacent road access would not be tolerated;
- (i) to note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not 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;
- (j) to note DEMS's comments that the applicant shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the

applicant shall carry out the following measures: (i) if the Site is within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by PlanD, prior consultation and arrangement with CLP Power is necessary; (ii) prior to establishing any structure within the Site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; and (iii) the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicant when carrying out works in the vicinity of the electricity supply lines; and

- (k) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize potential environmental impacts on the surrounding area.

