

Previous s.16 Applications covering the Application Site

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/53	Temporary Open Storage and Retail Sale of Construction Machinery and Parts for a Period of 12 Months	22.5.1998 RNTPC (12 months)	(1), (3), (10) & (13) & (17)
2.	A/YL-ST/85	Temporary Retail Sale and Open Storage of Construction Machinery for a Period of 12 Months	28.5.1999 RNTPC (12 months)	(1), (3) & (17)
3.	A/YL-ST/124	Proposed Residential Development	5.5.2000 Approved by RNTPC	(1), (2), (3), (7), (9), (14) & (15)
4.	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)	(1), (3), (16) & (17)
5.	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)	(1), (3), (6), (10), (16) & (17)
6.	A/YL-ST/327	Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years	19.1.2007 Approved by RNTPC (3 Years)	(1), (3), (4), (10), (11), (12), (16) & (17)
7.	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), (10), (11), (12), (16) & (17)
8.	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), (3), (4), (5), (6), (8), (10), (11), (12), (16) & (17)
9.	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), (3), (4), (5), (6), (10), (11), (12) & (16)
10.	A/YL-ST/508	Proposed Temporary Cold Storage for a Period of 3 Years	12.1.2018 Approved by RNTPC (3 Years)	(1), (5), (6), (11), (16), (17) & (18)

Approval Conditions

- (1) The submission and implementation of compensatory planting/landscape/and tree preservation proposal/maintenance of landscape planting/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.

- (2) The submission and implementation of a revised Master Layout Plan including the phasing and programming of the proposed development.
- (3) The submission of a revised drainage impact assessment and the provision of drainage facilities/condition record/an as-built drainage plan/ photographic record of the existing drainage facilities/maintenance of drainage facilities/the submission of a drainage and sewerage impact assessment and implementation of relevant mitigation measures / the submission and implementation of (the accepted) drainage proposal.
- (4) The submission and implementation of fire service installations proposal/the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office/premises.
- (5) The provision of paving /and boundary fencing/maintenance of the paving on the site.
- (6) The submission and provision of vehicular (and pedestrian) access(es) arrangement/parking layout/only one vehicular access point/no vehicular access point other than the vehicular access point at the west of the site.
- (7) The submission of a natural terrain hazard study for the slope to the west of the site.
- (8) The setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project Cycle Tracks Connecting NWNNT with NENT – Section from Tuen Mun to Sheung Shui.
- (9) The setting back of the site from Castle Peak Road – San Tin for footpath widening.
- (10) No machinery repairing/fuelling and dismantling activities/car breaking/car washing/repairing works involving metal cutting/drilling/hammering/paint spraying and oil/lubricant changing are allowed on the application site.
- (11) No operation between specific time periods.
- (12) No operation on Sundays and public holidays.
- (13) The provision of mitigation measures to abate possible visual, noise and environmental impacts.
- (14) The designation of non-building area within the site along Castle Peak – San Tin for future road widening.
- (15) The design and construction of the junction improvement as proposed by the applicant.
- (16) Revocation Clause.
- (17) Reinstatement Clause.
- (18) 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.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-ST/224	Temporary Container Tractor/Trailer Park for a Period of 3 Years	7.2.2003 Rejected by RNTPC	(1) & (2)

Main Reasons for Rejection:

- (1) There was insufficient information in the submission to demonstrate that the roosting site for bats would not be adversely affected by the operation of the proposed development.
- (2) There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

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

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration	Approval
			(RNTPC/TPB)	Conditions
1.	A/YL-ST/360*	Renewal of Planning Approval for Temporary Open Storage of Containers and Container Trailer Park with Ancillary Facilities (with a 2,000L Diesel Oil Tank) under Application No. A/YL-ST/305 for a Period of 3 Years	13.3.2009 Approved by RNTPC (3 Years) [Revoked on 13.10.2010]	(1), (2), (3), (6), (8), (13), (14) & (17)
2.	A/YL-ST/361	Renewal of Planning Approval for Temporary Open Storage of Containers and Container Trailer Park with Ancillary Facilities under Application No. A/YL-ST/306 for a Period of 3 Years	13.3.2009 Approved by RNTPC (3 Years)	(1), (2), (3), (6), (8), (13), (14) & (17)
3.	A/YL-ST/365	Temporary Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractors but excluding Trailers) for sale and a Covered Works Area for a Period of 3 Years	22.5.2009 Approved by RNTPC (3 Years)	(1), (2), (3), (4), (6), (10), (12), (13) & (14)
4.	A/YL-ST/366*	Temporary Retail Shop for Vehicle Parts and Accessories with Ancillary Facilities for a Period of 3 Years	19.6.2009 Approved by RNTPC (3 Years) [Revoked on 9.10.2009]	(1), (2), (3), (4), (6), (10) & (12)
5.	A/YL-ST/369*	Temporary Retail Shop to Sell Vehicle Parts and Accessories for a Period of 3 Years	10.7.2009 Approved by RNTPC (3 Years) [Revoked on 10.5.2012]	(1), (2), (3), (4), (10) & (12)
6.	A/YL-ST/370	Temporary Sales Office for Container Tractors/Medium Goods Vehicles and Retail Shop for Building Materials for a Period of 3 Years	10.7.2009 Approved by RNTPC (3 Years)	(1), (2), (3), (12), (13) & (14)
7.	A/YL-ST/374	Renewal of Planning Approval for Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop under Application No. A/YL-ST/319 for	18.9.2009 Approved by RNTPC (3 Years)	(1), (2), (3), (13) & (14)

		a Period of 3 Years		
8.	A/YL-ST/389	Renewal of Planning Approval for Temporary Open Storage of Recyclable Metal with Ancillary Office for a Period of 3 Years	16.7.2010 Approved by RNTPC (3 Years)	(1), (2), (3), (6), (7), (12), (13) & (14)
9.	A/YL-ST/401	Proposed Temporary Shop and Services (Second Hand Private Car Sales) for a Period of 3 Years	15.4.2011 Approved by RNTPC (3 Years)	(1), (2), (3), (4), (6), (7), (10), (12) & (13)
10.	A/YL-ST/404	Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park for a Period of 3 Years	17.6.2011 Approved by RNTPC (3 Years)	(1), (2), (3), (4), (5), (6), (8), (13), (14), (17), (19) & (20)
11.	A/YL-ST/413	Renewal of Planning Approval for Temporary Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractors but excluding Trailers) for Sale and a Covered Works Area under Application No. A/YL-ST/365	18.5.2012 Approved by RNTPC (3 Years)	(1), (2), (3), (5), (6), (10), (12), (13), (14), (15), (16), (19) & (20)
12.	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 Years	18.5.2012 Approved by RNTPC (3 Years) [Revoked on 18.6.2014]	(1), (2), (3), (5), (8), (13), (14), (15), (16), (17), (19) & (20)
13.	A/YL-ST/419	Temporary Open Storage of Recyclable Materials with Ancillary Site Office for a Period of 3 Years	21.6.2013 Approved by RNTPC (3 Years)	(1), (2), (3), (6), (9), (11), (12), (13), (14), (15), (16), (18), (19) & (20)
14.	A/YL-ST/420	Renewal of Planning Approval for Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop under Application No. A/YL-ST/374 for a Period of 3 Years	7.9.2012 Approved by RNTPC (3 Years)	(1), (2), (3), (5), (6), (13), (14), (15), (16), (19) & (20)
15.	A/YL-ST/429	Temporary Retail Shop (Container Tractors, Medium Good Vehicles, Forklifts and Building Materials) for a Period of 3 Years	25.1.2013 Approved by RNTPC (3 Years)	(1), (2), (3), (5), (6), (12), (13), (14), (19) & (20)
16.	A/YL-ST/454	Temporary Open Storage of Recyclable Metal with Ancillary Office for a Period of 3 Years	13.3.2015 Approved by RNTPC (3 Years)	(1), (2), (3), (6), (7), (12), (13), (14) & (19)
17.	A/YL-ST/460	Temporary Shop and Services (Sale of Vehicle Parts and	8.5.2015 Approved by	(1), (2), (3), (6), (10),

		Accessories) with Ancillary Facilities for a Period of 3 Years	RNTPC (3 Years)	(12), (13), (19) & (20)
18.	A/YL-ST/461	Renewal of Planning Approval for Temporary Open Storage of Second Hand Motor Vehicles (Including Medium Goods Vehicles and Container Tractors but Excluding Trailers) for Sale and a Covered Works Area for a Period of 3 Years	8.5.2015 Approved by RNTPC (3 Years)	(1), (2), (3), (6), (10), (12), (13), (14), (15), (16), (19) & (20)
19.	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	22.5.2015 Approved by RNTPC (3 Years)	(1), (2), (3), (5), (6), (13), (14), (15), (16), (17) & (19)
20.	A/YL-ST/478	Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop for a Period of 3 Years	9.10.2015 Approved by RNTPC (3 Years)	(1), (2), (3), (5), (6), (13), (14), (15), (16) & (19)
21.	A/YL-ST/484	Temporary Retail Shop (Container Tractors, Medium Good Vehicles, Vehicle Parts and Building Materials) for a Period of 3 Years	5.2.2016 Approved by RNTPC (3 Years)	(1), (2), (3), (5), (6), (12), (13), (14) & (19)
22.	A/YL-ST/511	Proposed Temporary Open Storage and Retail Shop of Vehicle Parts and Accessories for a Period of 3 Years	8.12.2017 Approved by RNTPC (3 Years)	(1), (2), (3), (4), (6), (10), (12), (13), (19) & (20)
23.	A/YL-ST/524	Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities for a Period of 3 Years	1.6.2018 Approved by RNTPC (3 Years)	(1), (2), (3), (6), (10), (12), (13), (14), (19) & (20)
24.	A/YL-ST/528	Temporary Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Containers Tractors but excluding Trailers) for Sale and a Covered Works Area for a Period of 3 Years	17.8.2018 Approved by RNTPC (3 Years)	(1), (2), (3), (6), (10), (12), (13), (19) & (20)
25.	A/YL-ST/538	Temporary Retail Shop (Container Tractors, Medium Goods Vehicles, Vehicle Parts and Building Materials) for a Period of 3 Years	12.4.2019 Approved by RNTPC (3 Years)	(1), (2), (3), (4), (6), (12), (13), (14) & (19)

*denotes permission revoked

Approval Conditions

- (1) The submission and implementation of compensatory planting/landscape/and tree preservation proposal/ as-planted plan/maintenance of existing landscape planting/vegetation/trees on the site.
- (2) The submission and provision of drainage facilities/condition record/an as-built drainage plan/ photographic record of the existing drainage facilities/maintenance of existing drainage facilities on the site.
- (3) The submission and implementation of fire service installations proposal/the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251).
- (4) The submission and provision of run-in/run-out proposal.
- (5) The submission and implementation of the proposal on buffer area fronting Shek Wu Wai Road/buffer area proposal fronting Castle Peak Road - San Tin/maintenance of the buffer area within the site fronting Castle Peak Road - San Tin to avoid queuing on Castle Peak Road - San Tin.
- (6) The provision of paving and boundary fencing/the paving of the site/maintenance of existing fencing/paving on the site.
- (7) The setting back of the northern boundary/the eastern and southern boundaries 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'.
- (8) The setting back of the site boundary/the northeastern boundary to avoid encroachment on the works limit of the "PWP Item 112CD - Drainage Improvement in Northern New Territories Package A - The proposed San Tin Western Main Drainage Channel" project.
- (9) The setting back of the northeastern boundary of the site to avoid encroachment on the site of the proposed sewage-pumping station/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.
- (10) No trailers/no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container tractors/trailers/no 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.
- (11) Only medium goods vehicles and private cars as defined in the Road Traffic Ordinance were allowed to be parked/stored.
- (12) No cutting, repairing, workshop activity including container repairs and vehicle repairs, car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed.
- (13) No operation during specific time periods.
- (14) No operation on Sundays and public holidays.
- (15) No vehicular access point other than the vehicular access point at the west of the site/a vehicular access/run-in between the site and Shek Wu Wai Road should be maintained.
- (16) No reversing in or out (or queue back) from the site was allowed.
- (17) The containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence/the stacking height of containers stored at any other location within the site should not exceed 8 units.
- (18) Only storage of metal, plastic and paper was allowed.
- (19) Revocation Clause.
- (20) Reinstatement Clause.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-ST/388	Temporary Retail Area of Second-Hand Goods Vehicles of above 5.5 Tonnes, Container Tractors and Trailers for a Period of 3 Years	11.6.2010 Rejected by RNTPC	(1) & (2)

Main Reasons for Rejection:

- (1) The proposed development involving heavy goods vehicles was not compatible with the neighbouring residential uses.
- (2) The proposed development was not in line with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses" in that there were adverse comments from concerned Government department on the environment aspect, and the development would have adverse environmental nuisances to the nearby residents.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that 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. The STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. Moreover, 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 regularize any irregularity 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 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 among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin;
- (d) to note DAFC's comments that the applicant is reminded to ensure that the proposed development would not affect the existing trees in close proximity of the Site which were found nested breeding egrets and herons in recent years. The applicant and his staff should also 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 onsite should also be directed towards the Site as far as practicable;
- (e) to note CBS/NTW, BD's comments that before any new building works (including open sheds and containers as temporary buildings) 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). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Building Ordinance (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 designated for any applied use under the 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 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 CE/MN, DSD's comments that 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 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 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;
- (g) 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; and
- (h) 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.