

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-ST/202	Temporary Vehicle Park for a Period of 3 Years	15.11.2002 Approved by TPB (3 years)	1-5, 11, 12
2.	A/YL-ST/314	Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Site Office for a Period of 3 Years	21.7.2006 Approved by RNTPC (3 years)	2, 4, 6-8, 11, 12
3.	A/YL-ST/380	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	18.12.2009 Approved by RNTPC (3 years)	2-4, 6-9, 11, 12
4.	A/YL-ST/427	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	7.12.2012 Approved by RNTPC (3 years)	2-12

Approval Conditions

1. Setting back of the application site from boundary of railway development in the vicinity
2. Restriction on the type(s) of vehicle that is/are allowed to be parked/stored on the application site
3. The submission and implementation of landscape proposals / maintenance of landscape planting or existing vegetation/trees
4. The submission of drainage proposal and provision of drainage facilities / maintenance of drainage facilities / submission of as-built drainage plan and photographic records of existing drainage facilities
5. The submission and implementation of parking layout
6. No vehicles without valid licence(s) issued under the Road Traffic Ordinance were allowed to be parked/stored on the site
7. No car washing, repairing, dismantling, paint spraying or other workshop activities are allowed on the application site
8. The provision of fire extinguisher(s) / submission and implementation or provision of fire service installations
9. The maintenance of paving and/or boundary fencing / the provision of boundary fencing
10. A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site
11. Revocation Clause
12. Reinstatement Clause



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

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration</u>	<u>Approval Condition(s)</u>
1.	A/YL-ST/352	Proposed Temporary Public Vehicle Park (excluding Container Vehicles) for a Period of 3 Years	23.1.2009 Approved by RNTPC (3 years)	1-9, 21
2.	A/YL-ST/357	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) under Application No. A/YL-ST/308 for a Period of 3 Years	13.2.2009 Approved by RNTPC (3 years)	1-6, 10-12, 21
3.	A/YL-ST/367	Renewal of Planning Approval for Temporary Open Storage of New Left-hand-drive Vehicles Prior to Sale under Application No. A/YL-ST/313 for a Period of 3 Years	19.6.2009 Approved by RNTPC (3 years)	3-6, 12-13, 21-22
4.	A/YL-ST/394	Renewal of Planning Approval for Temporary Public Car Park with Ancillary Office for a Period of 3 Years	28.1.2011 Approved by RNTPC (3 years)	1-6, 9, 12, 14, 21-22
5.	A/YL-ST/400*	Proposed Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area for a Period of 3 Years	1.4.2011 Approved by RNTPC (3 years) [Revoked on 1.1.2013]	1-3, 6-7, 9, 12, 15, 21-22
6.	A/YL-ST/407	Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/352 for a Period of 3 Years	16.12.2011 Approved by RNTPC (3 years)	1-7, 9, 12, 15, 16, 21-22
7.	A/YL-ST/409	Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) under	20.1.2012 Approved by RNTPC (3 years)	1-6, 10-12, 15, 17, 21-22

		Application No. A/YL-ST/357 for a Period of 3 Years		
8.	A/YL-ST/435*	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (including a refreshment kiosk) for a Period of 3 Years	16.8.2013 Approved by RNTPC (3 years) [Revoked on 16.7.2015]	1-3, 6-7, 9-12, 15, 17, 21-22
9.	A/YL-ST/444	Temporary Public Car Park with Ancillary Office for a Period of 3 Years	9.5.2014 Approved by RNTPC (3 years)	1-3, 5-7, 11-12, 18, 21-22
10.	A/YL-ST/448	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)	1-4, 6, 9, 12, 21-22
11.	A/YL-ST/456	Renewal of Planning Approval for Temporary "Public Vehicle Park (excluding container vehicle)" for a Period of 3 Years	2.1.2015 Approved by RNTPC (3 years)	1-3, 5-7, 11-12, 15-16, 21-22
12.	A/YL-ST/463	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years	22.5.2015 Approved by RNTPC (3 years)	1-3, 5-7, 9-12, 15, 17, 21-22
13.	A/YL-ST/513	Renewal of Planning Approval for Temporary "Public Vehicle Park (excluding container vehicle)" for a Period of 3 Years	22.12.2017 Approved by RNTPC (3 years)	1-4, 6, 11-12, 15-16, 18-19, 21-22
14.	A/YL-ST/523	Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years	18.5.2018 Approved by RNTPC (3 years)	1-3, 5-7, 10-12, 15, 17, 21-22
15.	A/YL-ST/530	Temporary Public Car Park with Ancillary Office for a Period of 3 Years	5.10.2018 Approved by RNTPC (3 years)	2, 6, 11-12, 15, 20-22
16.	A/YL-ST/542	Temporary Open Storage of Construction Materials for a Period of 3 Years	17.5.2019 Approved by RNTPC (3 years)	2, 5-6, 9, 12, 20-22

*revoked applications

Approval Conditions

1. No vehicles without valid licenses issued under the Road Traffic Ordinance were allowed to be parked/stored on the site
2. No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) / only private car as defined in the Road Traffic Ordinance or container trailers/tractors / no vehicle other than private car and light goods vehicle were allowed to be parked/stored on the site
3. No car washing and vehicle repair workshop / dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site
4. The maintenance of existing landscape planting / vegetation
5. The maintenance of existing drainage facilities
6. The submission of an as-built drainage plan / a condition record of the existing drainage facilities / submission and implementation of drainage proposal
7. The submission and implementation of compensatory planting scheme / landscape and tree preservation proposals
8. The submission and implementation of footpath proposal
9. The provision of fencing / paving
10. The setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains
11. The maintenance of existing fencing /paving
12. The submission and implementation of fire service installations proposal / provision of fire extinguisher(s)
13. No night-time operation between 11:00 p.m. and 7:00 a.m. was allowed
14. The setting back the existing run-in/out of about 1.6m from kerblines of Lok Ma Chau Road
15. A notice should be posted at a prominent location of the site to indicate that only private car as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site
16. The existing run-in connecting Lok Ma Chau Road on the site should be maintained
17. The submission and provision of / maintenance of buffer area proposal fronting Castle Peak Road - Chau Tau
18. The submission and implementation of parking layout plan
19. No queuing and no reverse movement of vehicles is allowed on public road
20. No vehicle is allowed to queue back to or reverse onto/from the site
21. Revocation Clause
22. Reinstatement Clause

Rejected s.16 Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Rejection reason(s)</u>
1.	A/YL-ST/417	Proposed Temporary Public Vehicle Park (for Private Cars Only) for a Period of 3 Years	Rejected by TPB 10.5.2013	All

Rejection Reasons

1. The development was not in line with the planning intention of the "Green Belt" ("GB") zone. The applicant failed to provide strong planning justification for departing from the planning intention, even on a temporary basis
2. The development was not in line with TPB PG-No. 10 as there were no exceptional circumstances that warrant approval of the application. The encroachment into the "GB" zone had degraded the natural landscape of the affected area. The applicant also failed to demonstrate that temporary public vehicle park would not have adverse landscape, traffic and drainage impacts on the surrounding area
3. The development did not comply with the TPB PG-No.13E in that no previous planning approval had been granted for the applied use at the extended "GB" portion of the site and there were adverse comments from government departments and objections from public
4. The approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications within the "GB" zone to the north of the Chau Tau West Road. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area

Good Practice Guidelines for open storage sites

		Internal access for fire appliances	Lot boundaries (Clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks : Smoking and naked flame activities shall not be allowed within the open storage /recycling site.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (d) to note DLO/YL, LandsD's comments that the Site is accessible from Lok Ma Chau Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site. The STT/STW holders will need to apply to his 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) will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. 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 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;
- (e) to note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Lok Ma Chau Road. The applicant should be responsible for his own access management. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant is also advised on the following points: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and (iii) the good practice guidelines for open storage (**Appendix IV**) should be adhered to. The applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval to address the above approval condition. 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;

- (g) to note CE/MN, DSD's comments that the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his 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. (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). Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the 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 is reminded that the proposed drainage works as well as the Site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed 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 CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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 Building (Planning) Regulation at the building plan submission stage;
- (i) to note C of P's comments that the applicant is reminded to adopt sufficient security measures at the Site and no obstruction caused to the vicinity would be tolerated;

- (j) 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
- (k) 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.

