

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/113*#	Proposed Temporary Container Trailer Park for a Period of 3 Years	17.3.2000 Approved by RNTPC (3 years) [Revoked on 17.6.2001]	All

\*revoked applications

#the site was then under "Residential (Group D)" zone on San Tin OZP

Approval Conditions

1. No night-time operation between 11p.m. and 7a.m. is permitted at the application site
2. The submission and implementation of landscaping proposals
3. The provision of drainage facilities
4. The provision of paving and fencing
5. Revocation Clause
6. Reinstatement Clause

**Rejected Applications**

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/DPA/YL-ST/4#	Residential Development	16.7.1993 Rejected by TPB on review	7-10
2.	A/DPA/YL-ST/25#	Residential and Nature Conservation Development	9.12.1994 Rejected by TPB on review	7-9, 11-14
3.	A/YL-ST/172	Proposed Comprehensive Residential Development with Wetland Restoration/Enhancement	20.7.2001 Rejected by RNTPC	11, 15-16
4.	A/YL-ST/181	Proposed Temporary Container Vehicle Park with Ancillary Office, Staff Canteen and Vehicle Repair Workshop for a Period of 3 Years	21.12.2001 Rejected by RNTPC	11, 13, 15-16
5.	A/YL-ST/197	Temporary Container Trailer Park and Tyre Repair Workshop for a Period of 3 Years	10.5.2002 Rejected by RNTPC	11, 13, 15-16
6.	A/YL-ST/246	Temporary Container Vehicle Park with Ancillary Vehicle Repair Workshop, Office & Staff Canteen for a Period of 1 Years	29.8.2003 Rejected by RNTPC	11, 15-16
7.	A/YL-ST/287	Comprehensive Residential Development to include Wetland Restoration Area	27.2.2009 Rejected by RNTPC	11, 14, 16-17

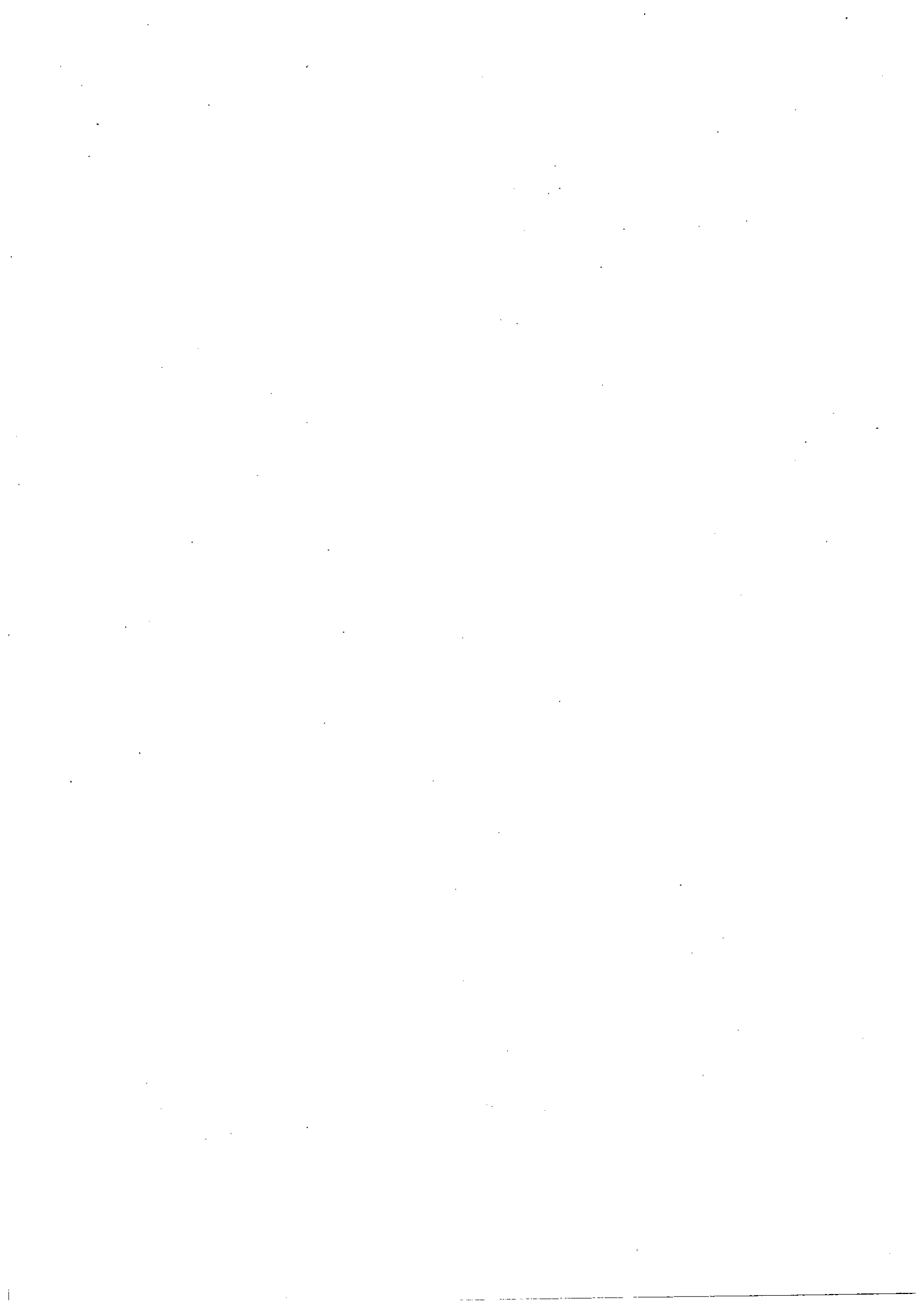
#the site was then under "Unspecified Use" area on San Tin Development Permission Area Plans

**Rejection Reasons**

7. The proposed residential development is not in line with the planning intention for the area which is primarily to protect the special landscape and ecological value of Mai Po Nature Reserve and its surrounding including the intertidal community, and to protect the area from all urban types of development unless it can be demonstrated that the proposed development will have insignificant adverse impacts on the environment.
8. The ecological assessment has not demonstrated that the proposed development will have insignificant adverse impacts on the biological habitats necessary to sustain Mai Po Nature Reserve and the adjacent Mai Po Village Site of Special Scientific Interest.
9. The proposed development will have adverse traffic impacts on Castle Peak Road and its traffic implications on the Lok Ma Chau Interchange, Au Tau Round have not been fully

assessed. The approval of the proposed development will also set an undesirable precedent for similar piecemeal developments which will have adverse cumulative impacts on the road network in the North-western New Territories.

10. The drainage impact assessment and the related mitigation measures against flooding hazards are considered inadequate as the details of drainage problems have not been satisfactorily addressed, in particular the issue that the proposed development will exacerbate the flooding situation in the surrounding areas.
11. The ~~proposed residential~~ development has not met the Board's "Guidelines for Application for Developments within Deep Bay Buffer Zones" in that there is insufficient information in the submission to demonstrate that the proposed development can support the conservation of MPNR and Inner Deep Bay and that the development will have insignificant impacts on the environment, ecology, drainage, sewerage and traffic in the area including the MPNR and Inner Deep Bay/ the development would not have adverse disturbance impacts on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area. ~~Moreover, the gradation concept stated in the Guidelines has not been taken on board under the present scheme.~~
12. The proposed development intensity and building height are not in line with the low-density residential developments in ecologically sensitive areas.
13. Approval of the proposed development will set an undesirable precedent for uncoordinated conservation proposals leading to an eventual fragmentation of the wetland habitat within the Buffer Zone areas/for other similar applications within the "OU (CDWRA)" zone. The cumulative effect of approving such similar applications would result in a general degradation of the ecology and environment of the area.
14. Insufficient information has been included in the submission on the managing and maintaining of the proposed nature conservation areas.
15. The ~~residential component of the~~ proposed development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU (CDWRA)") zone ***which is to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds/*** in that it does not include sufficient wetland restoration and/or recreation proposals to separate the residential development from and to minimize its impact on the adjacent fish pond areas. There is insufficient information in the submission to demonstrate that the proposed enhancement of the wetland function of the fish ponds within the "Conservation Area" ("CA") zone can achieve such purpose.
16. There is insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage, sewerage and visual impacts on the surrounding areas.
17. There was insufficient information to justify a plot ratio of 0.45 which exceeded the maximum permissible plot ratio of 0.4 in the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone.



Similar s.16 Applications within "OU(CDWRA)" 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/109*	Proposed Temporary Private Vehicle, Lorry and Container Trailer Park for a Period of 3 Years	3.3.2000 Approved by RNTPC (3 years) [Revoked on 3.6.2001]	1-3, 12-13
2.	A/YL-ST/137*	Proposed Temporary Extension of an "Existing Use" of Container Trailer Park for a Period of 3 Years	11.8.2000 Approved by RNTPC (up to 3.3.2003) [Revoked on 11.5.2001]	1-2, 6, 12-13
3.	A/YL-ST/149*	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 3 Years	27.10.2000 Approved by RNTPC (up to 3.3.2003) [Revoked on 27.4.2002]	1-2, 6, 12-14
4.	A/YL-ST/182	Temporary Container Trailer/Tractor Park with Ancillary Office for a Period of 3 Years	19.11.2002 Allowed Appeal (1 year)	1-3
5.	A/YL-ST/227	Temporary Vehicle Park (including Container Vehicles and Lorries) for a Period of 3 Years	16.5.2003 Approved by RNTPC (1 year)	3-5, 12-13
6.	A/YL-ST/273*	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 1 Year	10.12.2004 Approved by TPB (1 year) [Revoked on 10.11.2005]	1-2, 7, 12-13
7.	A/YL-ST/253	Temporary Container Trailer/Tractor Park with Ancillary Office for a Period of 3 Years	17.3.2006 Allowed Appeal (6 months)	1-2, 7
8.	A/YL-ST/379*	Temporary Container Storage Yard and Container Vehicle Park with Ancillary Vehicle Repair	26.3.2010 Approved by TPB (6 months)	1-3, 8, 10-13 15-16

		Area and Site Office for a Period of 3 Years	[Revoked on 26.6.2010]	
9.	A/YL-ST/382*	Temporary Container Vehicle Park for a Period of 3 Years	16.4.2010 Approved by TPB (6 months) [Revoked on 16.7.2010]	1-3, 8-13

\*revoked applications

Approval Conditions

1. Submission and/or implementation of accepted landscaping proposals
2. Submission and/or implementation of accepted drainage proposal
3. No night time operation between 11 p.m./6 p.m. to 7 a.m./ 9 a.m. was allowed
4. No heavy goods vehicles and container vehicles were allowed to be parked on the site
5. Maintenance of the landscape planting, drainage facilities, fencing and paving
6. Provision of fence and/or paving
7. Submission of Traffic Impact Assessment (TIA) and/or the implementation of the traffic management scheme
8. No operation on Sundays and public holidays was allowed
9. No cutting, dismantling, cleansing, repairing and workshop activity, including container vehicle repair, was allowed
10. Submission and/or implementation of the vehicular access proposal
11. Submission and/or implementation of fire service installations proposal
12. Revocation Clause
13. Reinstatement Clause
14. Provision of paving with perimeter ditches connected to oil interceptors
15. No stacking of containers within 5m from the peripheral fencing of the site
16. The stacking height of containers stored on the site should not exceed 7 units

**Rejected s.16 Application**

<b>No.</b>	<b>Application No.</b>	<b>Proposed Use(s)/ Development(s)</b>	<b>Date of Consideration (by RNTPC/TPB)</b>	<b>Rejection reason(s)</b>
1.	A/YL-ST/161	Temporary Container Tractor/Trailer Park with Tyre Repair Workshop for a Period of 3 Years	2.2.2001 Rejected by RNTPC	1-4
2.	A/YL-ST/166	Temporary Container Tractor/Trailer Park for a Period of 3 years	30.3.2001 Rejected by RNTPC	1-4
3.	A/YL-ST/171	Temporary Container Tractor/Trailer Park for a period of 3 years	7.7.2001 Rejected by RNTPC	2-3
4.	A/YL-ST/178	Temporary Container Tractor/Trailer Park for a Period of 3 Years	16.11.2001 Rejected by RNTPC	1-4
5.	A/YL-ST/187	Temporary Private Car, Lorry and Container Trailer/Tractor Park for a Period of 3 Years	1.3.2002 Rejected by RNTPC	1-4
6.	A/YL-ST/188	Temporary Container Trailer/Tractor Park with Ancillary Workshop for a Period of 3 Years	1.3.2002 Rejected by RNTPC	1-4
7.	A/YL-ST/220	Temporary Container Tractor/Trailer Park and Open Storage of Building Machinery for a Period of 3 Years	23.5.2003 Rejected by TPB	1-4
8.	A/YL-ST/223	Temporary Container Trailer/Tractor Park for a Period of 3 Years	23.5.2003 Rejected by TPB	1-4
9.	A/YL-ST/250	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of One Years	6.2.2004 Rejected by TPB	1-4
10.	A/YL-ST/263	Temporary Vehicle Park (including Container Vehicles and Lorries) for a Period of 3 Years	3.9.2004 Rejected by TPB	1-3
11.	A/YL-ST/298	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 12 Months	26.5.2006 Rejected by TPB	1, 3, 5

12.	A/YL-ST/322	Temporary Public Vehicle Park (including Container Vehicles and Heavy Goods Vehicles) with Ancillary Site Offices for a Period of 3 Years	9.2.2007 Rejected by TPB	1, 3, 5
-----	-------------	---	-----------------------------	---------

Rejection Reasons

1. The development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone which is to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds
2. There is insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas/particularly the nearby residential structures and the Deep Bay
3. The development does not comply with the revised Town Planning Board Guidelines for Applications for Development within Deep Bay Area in that there is no information in the submission to demonstrate that the development would not have adverse disturbance impacts on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area
4. Approval of the application would set an undesirable precedent for other similar applications within the "OU(CDWRA)" zone. The cumulative effect of approving such similar applications would result in a general degradation of the ecology and environment in the area
5. The development was not in line with the TPB Guidelines No. 13D for "Application for Open Storage and Port Back-up Uses" in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas



**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 comprises an Old Schedule Agricultural Lot 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. No permission is given for occupation of GL of about 263 m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible from Castle Peak Road – San Tin through GL. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way. The does not fall within Shek Kong Airfield Height Restriction Area. The lot owner will need to apply to LandsD to permit the structures to be erected or regularize any irregularity on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Given the proposed 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 will be approved. If such application 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;
- (e) to note C for T's comments that the applicant should demonstrate sufficient space within the Site to be provided for manoeuvring of the container vehicles. Swept path analysis for turning/manoeuvring of container vehicles from the Site to Castle Peak Road – San Tin (both directions) should be included. The applicant should provide details of trip generation with breakdown to justify the provision of 25 parking spaces for private car, container tractors and container vehicles within the Site; review the width of the ingress/egress as 13m width access is too wide and dangerous for pedestrian crossing; and elaborate the operation of carpark and demonstrate that there is sufficient queuing space within the Site;
- (f) to note CHE/NTW, HyD's comments that if the proposed run-in is agreed by the Transport Department (TD), the applicant should provide the run in/out at Castle Peak Road – San Tin in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match

with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin;

- (g) to note DAFC's comments that the applicant shall be advised to ensure that the applied use would not cause water pollution or disturbance to the nearby watercourse to the north of the Site;
- (h) 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; 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 Buildings Ordinance (BO) (Cap. 123) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) 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](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. 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;
- (j) 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 BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance. 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 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 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;

- (k) to note C of P's comments that since the vehicle access to the Site is adjacent to Castle Peak Road – San Tin and the application is designated for parking medium goods vehicle and heavy goods vehicle, including long vehicles, C of P is concerned about the road safety issues when the vehicles enter or leave the Site, e.g. when the long vehicle enters/leaves the Site, whether there is sufficient space on Castle Peak Road for it to make a left/right turn without crossing the opposite lane;
- (l) 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
- (m) to note DEP's comments that the applicant is advised to implement appropriate pollution control measures as stated in 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 areas. The Site is located to the immediate south of an existing watercourse. The applicant should strictly comply with relevant pollution control ordinances, in particular the Water Pollution Control Ordinance and avoid any illegal discharge of wastewater from the Site.

