

Previous s.16 Applications Covering the Application Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/157	“Undetermined”	Proposed Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years	5.3.2004 (TPB) (revoked on 5.2.2006)
A/YL-PS/217	“Undetermined”	Temporary Open Storage of Construction Materials and Machineries for a Period up to 5.3.2007	24.6.2005
A/YL-PS/264	“Undetermined”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years	2.2.2007
A/YL-PS/314	“Undetermined”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years	29.1.2010 (revoked on 29.5.2012)
A/YL-PS/389	“Undetermined”	Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years	7.9.2012
A/YL-PS/494	“Undetermined”	Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years	9.10.2015
A/HSK/96	“C(1)”, “O”, “O(1)” & ‘Road’	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years	5.10.2018
A/HSK/330	“C(1)”, “O”, “O(1)” & ‘Road’	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years	24.9.2021
A/HSK/531	“C(1)”, “O”, “O(1)” & ‘Road’	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years	16.8.2024

Rejected Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/DPA/YL-PS/12	Unspecified	Proposed Open Storage of Containers	18.3.1994	(1), (2), (3)
A/YL-PS/162	“GB”	Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years	19.9.2003	(1), (2), (3), (7)

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/227	“U” & “R(D)”	Proposed Residential Development with Retail Facilities, a Public Transport Terminus, a Kindergarten and a Primary School	4.9.2009	(4), (5), (6), (7)
A/YL-PS/245	“GB”	Temporary Open Storage of Construction Materials and Machinery for a Period until 5.3.2007	10.11.2006 (TPB)	(1), (2), (7), (8)
A/YL-PS/350	“U” & “GB”	Temporary Open Storage and Workshop (Dismantling and Storage of Reusable/Disused Computers) for a Period of 3 Years	22.6.2012 (TPB)	(1), (7), (8), (9)

Rejection Reasons

- (1) Not in line with the planning intention for the area.
- (2) Not compatible with the surrounding land uses.
- (3) Insufficient information to demonstrate no adverse traffic and/or environmental and/or geotechnical and/or sewerage and/or drainage and/or visual impacts on the surrounding areas.
- (4) Approval of the proposed development was considered piecemeal and premature at this stage as it would pre-empt the recommendations of the study.
- (5) Existing and planned infrastructure is inadequate to cater for a proposed development of this scale and intensity.
- (6) Out of keeping with the surrounding low-rise and low-density rural setting.
- (7) Set an undesirable precedent for other similar applications to proliferate in the area.
- (8) Not in line with the then TPB PG-No. 13 for Application for Open Storage and Port Back-up Uses.
- (9) Not in line with the TPB PG-No. 10 for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance

Recommended Advisory Clauses

(a) to note the comments of the Chief Estate Surveyor/New Development Area, Lands Department (LandsD) that:

- the proposed mixed-use development site at Area 32B comprises of 19 private lots namely, Lots 1584 RP, 1630 RP, 3235, 3237, 3238 RP, 3239, 3240, 3241, 3242 RP, 3244, 3247, 3248, 3342, 3343, 3346, 3347, 3348, 3349 and 3350 all in DD. 124 (the “Lots”), which are all agricultural lots held under Block Government Lease. Among them, Lots 1583 RP, 3225RP, 3245 RP and 3246 RP all in D.D.124 have been resumed under Lands Resumption Ordinance (Cap. 124) pursuant to G.N. 3830 dated 25 June 2026 and will revert to the Government on 26 September 2026;
- the Lots are subject to an ongoing land exchange application under the Enhanced Conventional New Town Approach (“ECNTA”) for non-industrial (excluding residential, godown and petrol filling station), pursuant to the Lands Administration Office Practice Note (“LAO PN”) Nos. 13/2023 and 1/2024;
- the proposed mixed-use development comprising residential cum commercial development at Site A and commercial development at Site B is not permissible under the existing lease conditions of the Lots nor the applied use stated in (b) above. Should the application be approved, the owners of the private lots must submit a revised land exchange application to LandsD before implementing the proposed mixed-use development;
- land exchange applications including application under the Pilot Scheme will be considered by LandsD, acting in the capacity of landlord, at its sole discretion. If the owners of the private lots apply to develop Site B independently under the Pilot Scheme, Site A and Site B should be processed via two separate land exchange documents. To align with the approved boundary of the ongoing ECNTA land exchange, these documents which' together comprise the entire ECNTA site must be executed simultaneously. There is no guarantee that any such application will be approved. Any approved application will be subject to such terms and conditions as the Government sees fit, including, but not limited to, the construction of public facilities, the restriction on alienation except as a whole in respect of the non-residential use development if which is subject to the Pilot Scheme and the payment of premium/premia and administrative fee(s);
- LandsD reserves comment on the proposed schematic design, which will only be examined in detail during the building plan submission stage after the land exchange is completed. There is no guarantee that the schematic design as presently proposed in the subject planning application will be automatically accepted under the lease during future building plan submissions; and
- the site areas and related figures in this planning application have not been surveyed or verified. These figures will be checked during the processing of the land exchange application;

(b) to note the comments of the Project Manager/Major Works, Highways Department that:

- the applicant is encouraged to fully utilise self-mitigation measures against road traffic noise from Kong Sham Western Highway at the residential blocks in Site A to comply with the relevant noise criteria, thereby avoiding the implementation of the relevant Noise Barriers of the Project. While noting that a detailed Road Traffic Noise Impact Assessment

would be submitted by the applicant during the design stage of its development, the applicant is encouraged to review and agree at this stage that the implementation of the relevant Noise Barriers of the Project is not required with utilisation of adequate self-mitigation measures at the residential blocks in Site A; and

- self-mitigation measures against road traffic noise from Kong Sham Western Highway should be incorporated into the detailed Road Traffic Noise Impact Assessment to be submitted by the applicant for Site A. Such measures may include building setback, low-rise development design, fixed glazing, sliding doors with automatic door closers, maintenance windows, A/C platforms with maintenance windows, solid fence walls, solid planters, acoustic windows, acoustic balconies, and sound-absorptive architectural treatments, as appropriate. The assessment should demonstrate compliance with the relevant noise criteria, covering scenarios with and without implementation of the relevant Noise Barriers of the Project;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the relevant air quality, noise and sewerage criteria would be met in the Site and the applicant will ensure the proper implementation of the proposed mitigation measures and good practices during the construction and operational phases;
- (e) to note the comments of the Chief Engineer/Mainland North and Chief Engineer/Land Drainage of Drainage Services Department (DSD) that:
- regarding the Sewerage Impact Assessment submitted by the applicant, it is noted that the proposed sewage flow under the captioned planning application is larger than the base case average dry weather flow estimated by Civil Engineering and Development Department (CEDD) under Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) project, the applicant shall liaise with CEDD for their overall review due to recent changes in infrastructures of HSK/HT NDA Second Phase and to propose any necessary mitigation measures in the sewerage system for acceptance by DEP and DSD;
 - it is noted that base-case sewage estimation is subjected to further review, the sewerage impact of subject site shall be further reviewed upon receipt of updated information; and
 - should there be any increase in sewage flow that could potentially exceed the treatment capacity of the future infrastructure, including the sewage pumping stations, the applicant shall propose the necessary mitigation measures and consult the relevant departments to ensure that the required upgrading works are carried out;
- (f) to note the comments of the Director of Fire Services that:
- detailed fire safety requirements will be formulated upon receipt of a formal submission of Short Term Tenancy or Short Term Waiver, general building plans or referral of the application via the relevant licensing authority; and
 - the provision of emergency vehicular access in the subject work shall comply with the requirements as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that curtailed checking on fundamental issues under the Building Ordinance

will be carried out at building plan submission stage;

(h) to note the comments of the Director of Electrical and Mechanical Services that:

- the Hung shui Kiu District Cooling System (HSK DCS) plant is strictly adhering to the policy directive, connection to HSK DCS is required for private non-domestic sites in both Site A (Mixed Uses) and Site B (Commercial) of Planning Area 32B; and
- in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned document should 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 and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

(i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:

- the applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval; and
- for compliance of site coverage of greenery requirements under PNAP APP-152, submission should be made to BD for comments and approval; and

(j) to note the comments of the Commissioner of Police that in view of public safety, the applicant must maintain the smooth traffic flow of the concerned location and provide sufficient safety precautions to avoid obstruction or danger caused to any person or vehicle on the road.