

Previous s.16 Applications covering the Site of Application No. A/YL-ST/553

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/381*	Temporary Tyre Repair Workshop with Ancillary Site Office for a Period of 3 Years	16.4.2010 Approved by TPB on Review (6 months) [Revoked on 16.7.2010]	1 to 7
2.	A/YL-ST/382*	Temporary Container Vehicle Park for a Period of 3 Years	16.4.2010 Approved by TPB on Review (6 months) [Revoked on 16.7.2010]	All

*revoked applications

Approval Conditions

1. No operation during specific time periods and days
2. The submission and implementation of landscape/landscaping and tree preservation proposals
3. The submission of drainage proposals and provision of drainage facilities
4. The submission and implementation of vehicular access proposal
5. The submission of fire service installations (FSIs) proposal and provision of FSIs proposed
6. Revocation Clause
7. Reinstatement Clause
8. No workshop activity was allowed on the site

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	1-4
2.	A/DPA/YL-ST/25#	Residential and Nature Conservation Development	9.12.1994 Rejected by TPB on Review	1-3, 5-8
3.	A/YL-ST/166	Temporary Container Tractor/Trailer Park for a Period of 3 Years	30.3.2001 Rejected by RNTPC	1, 5, 8, 9
4.	A/YL-ST/172	Proposed Comprehensive Residential Development with Wetland Restoration/Enhancement	20.7.2001 Rejected by RNTPC	1, 5, 9
5.	A/YL-ST/178	Temporary Container Tractor/Trailer Park for a Period of 3 Years	16.11.2001 Rejected by RNTPC	1, 5, 8, 9
6.	A/YL-ST/220	Temporary Container Tractor/Trailer Park & Open Storage of Building Machinery for a Period of 3 Years	23.5.2003 Rejected by TPB on Review	9, 10
7.	A/YL-ST/287	Comprehensive Residential Development to include Wetland Restoration Area	27.2.2009 Rejected by RNTPC	5, 9, 11, 12

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

Rejection Reasons

1. The proposed residential development is not in line with the planning intention for the area.
2. The ecological assessment has not demonstrated that the proposed development will have insignificant adverse impacts.
3. The proposed development will have adverse traffic impacts road and interchange(s) in the vicinity.
4. 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.
5. The development has not met/does not comply to the Board's "Guidelines for Application for Developments within Deep Bay Buffer Zones".
6. The proposed development intensity and building height are not in line with the low-density residential developments in ecologically sensitive areas.
7. The ecology assessment has not demonstrated that the proposed development and the associated human disturbance will have insignificant adverse impacts.

8. Approval of the proposed development will set an undesirable precedent for uncoordinated conservation proposals/for other similar applications within the zone.
9. 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.
10. As a large portion of the site falls within the gazetted scheme boundary of the Eastern Main Drainage Channel for San Tin, the approval of the application, even on temporary basis, would jeopardize the implementation of the drainage channel project
11. There was insufficient information to justify a plot ratio of 0.45 which exceeded the maximum permissible plot ratio of 0.4 in the zone.
12. There was insufficient information on the maintenance and management plan of the proposed wetland.



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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/93#	Proposed Temporary Container Trailer Park for a Period of 12 months	27.8.1999 Approved by RNTPC (3 years)	1-3, 5
2.	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]	All
3.	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 on review (12 months) [revoked on 10.11.2005]	1-3, 5-7
4.	A/YL-ST/379*	Temporary Container Storage Yard and Container Vehicle Park with Ancillary Vehicle Repair Area and Site Office for a Period of 3 Years	26.3.2010 Approved by TPB on review (6 months) [revoked on 26.6.2010]	1-3, 9-11

*revoked applications

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

Approval Conditions

1. No operation during specific time periods and/or days
2. The submission and implementation of landscaping (and tree preservation) proposals / the implementation of landscaping proposals
3. The submission of drainage proposals and/or provision of drainage facilities
4. The provision of paving and fencing
5. Reinstatement Clause
6. Revocation Clause
7. The submission of Traffic Impact Assessment (TIA) and implementation of the traffic management scheme as proposed in the TIA
8. The submission and implementation of vehicular access proposals
9. The submission of fire service installations (FSIs) proposals and provision of FSIs proposed
10. No stacking of containers within 5m from the peripheral fencing of the site
11. The stacking height of containers stored on the site should not exceed 7 units

Rejected Applications

No.	<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	1-4
2.	A/DPA/YL-ST/25#	Residential and Nature Conservation Development	9.12.1994 Rejected by TPB on Review	1-3, 5-8
3.	A/YL-ST/172	Proposed Comprehensive Residential Development with Wetland Restoration/Enhancement	20.7.2001 Rejected by RNTPC	1, 5, 9
4.	A/YL-ST/220	Temporary Container Tractor/Trailer Park & Open Storage of Building Machinery for a Period of 3 Years	23.5.2003 Rejected by TPB on Review	1, 5, 9, 10
5.	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 on Review	1, 5, 8-9
6.	A/YL-ST/287	Comprehensive Residential Development to include Wetland Restoration Area	27.2.2009 Rejected by RNTPC	5, 6, 7, 9
7.	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 on Review	1, 5

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

Rejection Reasons

1. The proposed development is not in line with the planning intention for the area.
2. The ecological assessment has not demonstrated that the proposed development will have insignificant adverse impacts.
3. The proposed development will have adverse traffic impacts road and interchange(s) in the vicinity.
4. 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.
5. The development has not met/does not comply to the Board's Guidelines for "Application for Developments within Deep Bay Buffer Zones" and/or "Application for Open Storage and Port Back-up Uses".
6. There was insufficient information to justify a plot ratio of 0.45 which exceeded the maximum permissible plot ratio of 0.4 in the zone.
7. There was insufficient information on the maintenance and management plan of the proposed wetland.

8. Approval of the proposed development will set an undesirable precedent for uncoordinated conservation proposals/for other similar applications within the zone.
9. There is insufficient information in the submission to demonstrate that the development would not have adverse impacts on the surrounding areas.
10. As a large portion of the site falls within the gazetted scheme boundary of the Eastern Main Drainage Channel for San Tin, the approval of the application, even on temporary basis, would jeopardize the implementation of the drainage channel project



Previous Applications covering the Site of Application No. A/YL-ST/558

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/93#	Proposed Temporary Container Trailer Park for a Period of 12 months	27.8.1999 Approved by RNTPC (12 months)	1-3, 5
2.	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]	All
3.	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 on review (12 months) [revoked on 10.11.2005]	1-3, 5-7

*revoked applications

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

Approval Conditions

1. No operation during specific time periods and/or days
2. The submission and implementation of landscaping (and tree preservation) proposals / the implementation of landscaping proposals
3. The submission of drainage proposals and/or provision of drainage facilities
4. The provision of paving and fencing
5. Reinstatement Clause
6. Revocation Clause
7. The submission of Traffic Impact Assessment (TIA) and implementation of the traffic management scheme as proposed in the TIA
8. The submission and implementation of vehicular access proposals
9. The submission of fire service installations (FSIs) proposals and provision of FSIs proposed
10. No stacking of containers within 5m from the peripheral fencing of the site
11. The stacking height of containers stored on the site should not exceed 7 units

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	1-4
2.	A/DPA/YL-ST/25#	Residential and Nature Conservation Development	9.12.1994 Rejected by TPB on Review	1-3, 5-8
3.	A/YL-ST/22^	Temporary Open Storage of Electricity Cable, Electricity Wire/Accessories and Electricity Generator for not more than 12 Months	10.1.1997 Rejected by RNTPC	1,8
4.	A/YL-ST/32^	Temporary Open Storage of Machinery for Foundation Construction for 12 Months	20.6.1997 Rejected by RNTPC	1,5,8,11
5.	A/YL-ST/166	Temporary Container Tractor/Trailer Park for a Period of 3 Years	30.3.2001 Rejected by RNTPC	1,5,8,9
6.	A/YL-ST/172	Proposed Comprehensive Residential Development with Wetland Restoration/Enhancement	20.7.2001 Rejected by RNTPC	1, 5, 9
7.	A/YL-ST/178	Temporary Container Tractor/Trailer Park for a Period of 3 Years	16.11.2001 Rejected by RNTPC	1,5,8,9
8.	A/YL-ST/220	Temporary Container Tractor/Trailer Park & Open Storage of Building Machinery for a Period of 3 Years	23.5.2003 Rejected by TPB on Review	1, 5, 9, 10
9.	A/YL-ST/223	Temporary Container Tractor/Trailer Park for a Period of 3 Years	23.5.2003 Rejected by TPB on Review	1,5,8,9
10.	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 on Review	1, 5, 8-9
11.	A/YL-ST/287	Comprehensive Residential Development to include Wetland Restoration Area	27.2.2009 Rejected by RNTPC	5, 6, 7, 9
12.	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 on Review	1, 5

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

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

Rejection Reasons

1. The proposed development is not in line with the planning intention for the area.
2. The ecological assessment has not demonstrated that the proposed development will have insignificant adverse impacts.
3. The proposed development will have adverse traffic impacts road and interchange(s) in the vicinity.
4. 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.
5. The development has not met/does not comply to the Board's Guidelines for "Application for Developments within Deep Bay Buffer Zones" and/or "Application for Open Storage and Port Back-up Uses".
6. There was insufficient information to justify a plot ratio of 0.45 which exceeded the maximum permissible plot ratio of 0.4 in the zone.
7. There was insufficient information on the maintenance and management plan of the proposed wetland.
8. Approval of the proposed development will set an undesirable precedent for uncoordinated conservation proposals/for other similar applications within the zone.
9. There is insufficient information in the submission to demonstrate that the development would not have adverse impacts on the surrounding areas.
10. As a large portion of the site falls within the gazetted scheme boundary of the Eastern Main Drainage Channel for San Tin, the approval of the application, even on temporary basis, would jeopardize the implementation of the drainage channel project.
11. The development is not compatible with the fish ponds to its further north and the Mai Po Village Egretry SSSI to its southwest.

**Similar Applications within “OU(CDWRA)” zone
on the approved San Tin OZP No. S/YL-ST/8**

Approved 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/182	Temporary Container Trailer/Tractor Park with Ancillary Office for a Period of 3 Years	19.11.2002 Allowed Appeal (1 year)	1-3
4.	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
5.	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

*revoked applications

Approval Conditions

1. Submission and/or implementation of landscaping (and tree preservation) proposals / maintenance of landscape planting
2. Submission of drainage proposal and implementation of drainage proposal/provision of drainage facilities / maintenance of drainage facilities
3. No operations during specified time periods
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 (FSIs) proposal/provision of FSIs
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 Applications

<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/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/171	Temporary Container Tractor/Trailer Park for a period of 3 years	7.7.2001 Rejected by RNTPC	2-3
3.	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	1-4
4.	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
5.	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
6.	A/YL-ST/197	Temporary Container Trailer Park and Tyre Repair Workshop for a Period of 3 Years	10.5.2002 Rejected by RNTPC	1-4
7.	A/YL-ST/246	Temporary Container Vehicle Park with Ancillary Vehicle Repair Workshop, Office & Staff Canteen for a Period of 1 Year	29.8.2003 Rejected by RNTPC	1-3
8.	A/YL-ST/263	Temporary Vehicle Park (including Container Vehicles and Lorries) for a Period of 3 Years	3.9.2004 Rejected by TPB on Review	1-3
9.	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 on Review	1, 3, 5
10.	A/YL-ST/547	Temporary Container Vehicle Park with Ancillary Facilities (including Site Office and Storage) for a Period of 3 Years	13.3.2020 Rejected by TPB on Review	1

Rejection Reasons

1. The development is not in line with the planning intention of the zone

2. There is insufficient information in the submission to demonstrate that the development would not have adverse 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"
4. Approval of the application would set an undesirable precedent for other similar applications within the "OU(CDWRA)" zone
5. The development was not in line with the TPB Guidelines for "Application for Open Storage and Port Back-up Uses"

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) 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;
- (c) 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. The Site is accessible from Castle Peak Road – San Tin through both Government Land (GL) and private land. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The Site 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. 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 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;
- (d) to note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) 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. The applicant should be responsible for his own access arrangement;
- (f) to note D of FS's 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. 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; (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and (iii) (only for Application No. A/YL-ST/554) good practice guidelines for open storage should be adhered to (**Appendix IV**). The applicant is advised to submit a valid fire

certificate (FS 251) to his department for approval to address the approval condition on “the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to his satisfaction” (only for Application No. A/YL-ST/554). 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 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 BO. 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;
- (h) to note CE/MN, DSD’s comments that according to the Supplementary Planning Statement at **Appendix Id to If**, the applicant would submit a detailed drainage proposal to DSD. In this aspect, the proposal should demonstrate how the applicant 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 & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference. 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 site 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 facilities on site under proper maintenance during occupancy of the Site; and

- (i) 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.

