

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/93#	Proposed Temporary Container Trailer Park for a Period of 12 months	27.8.1999 Approved by RNTPC (3 years)	1-3, 7
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, 6, 10
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, 5, 11, 12
5.	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
6.	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]	1 to 8

* denotes permission revoked

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

Approval Conditions

1. No operation during specific time periods and days
2. The submission and implementation of landscape/landscaping and tree preservation proposals / the implementation of landscaping proposals
3. The submission of drainage proposals and/or 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
9. The provision of paving and fencing
10. The submission of Traffic Impact Assessment (TIA) and implementation of the traffic management scheme as proposed in the TIA
11. No stacking of containers within 5m from the peripheral fencing of the site
12. The stacking height of containers stored on the site should not exceed 7 units

Rejected Applications

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Rejection Reasons
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, 13
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, 9, 11, 12
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
13.	A/YL-ST/553@	Temporary Container Vehicle Park with Ancillary Site Office and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1, 5, 8, 14
14.	A/YL-ST/554@	Temporary Container Vehicle Park and Open	20.3.2020 Rejected by RNTPC	1, 5, 8, 14

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Rejection Reasons
		Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 3 Years		
15.	A/YL-ST/558 [@]	Temporary Container and Goods Vehicle Park with Ancillary Site Office, Vehicle Repair Area, Staff Canteen and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1, 5, 8, 14

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

@ review application currently deferred for consideration pending submission of further information by the applicant

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. 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/will result in a general degradation of the environment in Deep Bay area.
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.
13. The development is not compatible with the fish ponds to its further north and the Mai Po Village Egret SSSI to its southwest.
14. There were adverse departmental comments on the environmental, ecological and landscape impacts and local objections.

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

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration	Approval Condition(s)
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”

Detailed Departmental Comments

Comments of Director of Environmental Protection

Technical Comments on Noise Impact Assessment (NIA) (Annex B) in Environmental Assessment (EA) Report (Appendix C) of the Planning Statement (**Appendix Ia**):

(a) The NIA has separate assessments for 4 types of noise sources relating to the operation of the Site. Some assessments are only qualitative assessment and some quantitatively assessed but wrongly used Leq 30min as noise descriptor to address noise nuisance.

(b) Para. 3.5a of NIA – Noise from Fixed Noise Sources within the Site

Noise from impact wrench at tyre repair areas and reach stacker for loading/unloading/stacking of containers are assessed quantitatively. However, noise from other fixed noise sources like vehicle repair activities in vehicles repair areas (i.e. at Structures 34, 46, 49 & 58) are not assessed.

(c) Para. 3.5b of NIA – Noise from Material Storage & Vehicle Repair Areas

The type of noise is only addressed qualitatively by mentioning the intermittent noise emission during transportation & loading/unloading of material storage; and claiming that the vehicle repair areas are substantially screened by the site boundary hoarding. As mentioned above, noise from vehicle repair areas should be included in the quantitative noise assessment for fixed noise sources within the Site.

(d) Para. 3.5c of NIA – Non-stationary Noise Sources within the Site

This type of noise is about non-statutory noise sources such as the noise from maneuvering of container vehicles within the Site and is quantitatively assessed in the NIA. ANL-5dB(A) or BGL in Leq 30min are certainly not an appropriate criteria for such noise nuisance. “80dB(A) at 10m” is adopted as noise source term for such noise sources in Table 3.5, which suggested such noise could be a possible nuisance in particular during night time.

(e) Para. 3.5d of NIA – Noise from Container Vehicle Traffic at Access Road affecting NSR-2

Overnight noise measurements (0000-0700 hours) were taken and the consultant tried to correlate the additional container vehicles generated by the Site in each 30min interval with the increase in noise levels near NSR-2. The increase in Leq 30min ranged from 0-3.8dB(A) with average of 2.0dB(A). During the overnight 7-hour noise measurement period, 52 container vehicles related to the Site passed through the access road while 96 other container vehicles passed through the same access road. Again, Leq 30min is not a relevant noise descriptor to address such noise nuisance. The increase of noise level during the pass-by event of a container vehicle would certainly be much higher than 2dB(A).

Noise Mitigation Measures

- (f) Section 3.6 & Table 3.7 of NIA - the noise mitigation measures for the Site are confusingly presented in the NIA and the Planning Statement. Summarizing from Section 3.6 and Table 3.7 of NIA, the “committed” (existing?) and the “proposed” noise mitigation measures are:
- Committed Measures N(1)(i) – erection of 2.5m boundary wall;
 - Committed Measures N(1)(ii) – prohibiting any noisy operation during 11pm to 7am at tyre repair areas (i.e. at Temporary Structures 1 and 52) for the reach stacker (near Temporary Structure 31) and vehicle repair areas. However, the container vehicle park will still operate on a 24-hour basis;
 - Proposed Measures N(2)(i) – carrying out road repair at the significantly worn-out (noise prone) run-in access road junction near NSR-2 including Castle Peak Road (San Tin) portion (Report to Highways Department if appropriate) and the portion of access road along the eastern fish pond; and
 - Proposed Measures N(2)(ii) – issue of formal notice & erection of signage for speed limit (e.g. 8kph) at the run-in access road junction around NSR-2.
- (g) Please avoid using the word “committed” as it has dual meanings (i) to have done something; or (ii) to give a plan of action. Please clarify if “committed measures” actually mean existing measures already in place.
- (h) Please clearly show the location and extent of the boundary wall (or hoarding) in committed Measures N(1)(i). Please also clarify if the proposed Measures N2(i) & (ii) are outside the Site and to be carried out by others (HyD & TD?) and whether these parties have agreed on the proposed measures.
- (i) There are also some inconsistencies in describing the noise mitigation measures. For example, Section 5.10(f) of the Planning Statement mentioned that there is no operation during Sunday, public holidays and night time. Section 6.13 of the Planning Statement mentioned the erection of 2m corrugated metal fencing and planting of peripheral trees and the proposed operation hours of the development would only be limited to 8am-6pm. Please clarify and ensure consistency.

**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 note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots 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 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. 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 rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner of Transport that the Site is connected to Castle Peak Road – San Tin via a section of a local access which is not managed by Transport Department (TD). The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) 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;
- (e) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (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) attached good practice guidelines for open storage should be adhered to (**Appendix V**). 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”. 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;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (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 the prevailing 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, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person 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 (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide, and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plans (BPs) submission stage. Detailed checking under the BO will be carried out at the BPs submission stage;
- (g) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the drainage proposal should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to the 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 homepage 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 the Director of Environmental Protection 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;
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if any facility of the Food and Environmental Hygiene Department (FEHD) is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected

facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas, etc., is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD. Proper licence/permit issued by FEHD is required for any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; 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.

