

Previous s.16 Applications for the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Uses</u>	<u>Date of Consideration</u>	<u>Decision of the RNTPC/TPB</u>	<u>Approval Conditions/Rejection reasons</u>
1.	A/YL-ST/108	Temporary container tractor/trailer park for a period of 3 years	28.1.2000	Approved by RNTPC (1 year)	A1, A2, A3, A5, A7 & A8
2.	A/YL-ST/182	Temporary container trailer/tractor park with ancillary office for a period of 3 years	19.11.2002 On appeal	Allowed by TPAB (1 year)	A1, A2, A4, A5, A7 & A8
3.	A/YL-ST/253	Temporary container tractor/trailer park with ancillary office for a period of 3 years	17.3.2006 On appeal	Allowed by TPAB (6 months)	A7

Approval Conditions

- A1 The (submission and) implementation of landscaping proposals.
- A2 The (submission (of a DIA) and) provision of drainage facilities.
- A3 Paving of the site (with perimeter ditches connected to oil interceptor).
- A4 Fencing of the site.
- A5 Revocation clause.
- A6 Upon expiry of the planning permission, the reinstatement of the application site to an amenity area.
- A7 Reinstatement clause.
- A8 No night-time operation between 11pm and 7am would be permitted at the site.
- A9 No heavy goods vehicles and container vehicles were allowed to be parked on the site.
- A10 The landscape planting / drainage facilities / fencing / paving on the application site should be maintained at all time during the approval period.
- A11 The (submission of a TIA and) implementation of traffic management scheme recommended in the TIA.
- A12 No workshop or dismantling activities shall be carried on the site.
- A13 The submission and implementation of sewage treatment and disposal facilities proposals.
- A14 The provision of a run-in for the site.
- A15 The provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office and the meter room.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Uses</u>	<u>Date of Consideration</u>	<u>Decision of the RNTPC/TPB</u>	<u>Approval Conditions/Rejection reasons</u>
1.	A/DPA/YL-ST/4	Residential Development	16.7.1993 On review	Rejected by TPB	R3, R4, R8 & R9
2.	A/DPA/YL-ST/25	Residential and Nature Conservation Development	9.12.1994 On review	Rejected by TPB	R4, R8, R9-R13
3.	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	R1, R2, R4-R6
4.	A/YL-ST/171	Temporary container tractor/trailer park for a period of 3 years	7.7.2001	Rejected by RNTPC	R2-R5
5.	A/YL-ST/172	Proposed Comprehensive Residential Development with Wetland Restoration/Enhancement	20.7.2001	Rejected by RNTPC	R3-R5, R14-R16
6.	A/YL-ST/287	Comprehensive Residential Development to include Wetland Restoration Area	27.2.2009	Rejected by RNTPC	R2-R4, R5, R7, R9, R13, R15-R17
7.	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 On review	Rejected by TPB	R1, R5, R18

Reasons for Rejection

- R1 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.
- R2 There is insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.
- R3 There is insufficient information in the submission to demonstrate that the development would not have adverse drainage impacts on the surrounding areas/ 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.
- R4 There is insufficient information in the submission to demonstrate that the development would not generate adverse traffic impact on local road network. (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.) / Adverse traffic impacts on locations and road sections specified in the applications have not been fully assessed.
- R5 The development does not comply with the (revised) Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" in that there is no or insufficient information in the submission to demonstrate that the development would not have adverse or negative off-site disturbance impact(s) on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay Area.

- R6 The 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 of the area.
- R7 There is insufficient information in the submission to demonstrate that the development would not have adverse landscape impact on the surrounding areas.
- R8 The proposed residential development is not in line with the planning intention for the area (stipulated on the approved San Tin Development Permission Area Plan and Mai Po and Fairview Park Development Permission Area Plan) which is primarily to protect the special landscape and ecological value of Mai Po Nature Reserve and its (or their) surroundings 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 (and ecology).
- R9 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 or Inner Deep Bay area/ There is insufficient information in the submission to demonstrate that the development would not have adverse ecological impact on the surrounding areas.
- R10 Falling mostly within Deep Bay Buffer Zone 2, 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. Moreover, the gradation concept stated in the Guidelines has not been taken on board under the present scheme.
- R11 The proposed development intensity and building height are not in line with the low-density residential developments in ecologically sensitive areas.
- R12 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. The cumulative ecological impacts of such development have to be considered.
- R13 Insufficient information has been included in the submission on the managing and maintaining of the proposed nature conservation areas/ There was insufficient information on the maintenance and management plan of the proposed wetland, in particular the arrangement of funding and monitoring proposal to ensure its long-term management.
- R14 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 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.
- R15 There is insufficient information in the submission to demonstrate that the development would not have adverse sewerage impact on the surrounding areas.
- R16 There is insufficient information in the submission to demonstrate that the development would not have adverse visual impact on the surrounding areas.
- R17 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.

- R18 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) to resolve any land issues relating to the temporary use with the concerned owner(s) of 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 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. No permission is given for occupation of GL of about 60m² 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 both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the planning application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, 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. Furthermore, 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. Applications for any of the above will be considered by the 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 the 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. The land status of the local access road should be clarified with the LandsD by the applicant. 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 his department does not and will not maintain any access connecting the Site and Castle Peak Road - San Tin. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note CTP/UD&L, PlanD's comments that during the site visit conducted on 29.11.2018, a fallen tree was found at the southern corner of the Site. The applicant is reminded to seek LandsD's approval for tree removal works. The applicant may make reference to the following promulgated by the Greening, Landscape and Tree

Management (GLTM) Section of Development Bureau (DEVB), for good horticultural practice:

- 提供足夠空間讓樹冠生長
https://www.greening.gov.hk/filemanager/content/images/tree_care/Provide_Adequate_Growing_Space_For_Future_Growth_Of_Canopy_c.jpg
- 在樹木與毗鄰建築物／構築物之間預留足夠的生長空間
https://www.greening.gov.hk/filemanager/content/images/tree_care/Provide_Sufficient_Growing_Space_Between_Trees_and_Adjacent_Buildings_Structures_c.jpg
- 減低樹木風險的樹木護養簡易圖解
[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)
- 樹木管理手冊
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/handbook_TM/HTM_tc_Full_version.pdf
- 護養樹木的簡易圖解
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

- (g) to note D of FS's comments that in consideration of the design/nature of the proposal, fire services installations (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. 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; 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 (Cap. 123). Detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note CBS/NTW, BD's comments that as there is no record of approval by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, 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 the 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 the BD should be obtained, otherwise they are Unauthorized Building Works (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 (B(P)R) 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 B(P)R at the building plan submission stage;

- (i) to note CE/MN, DSD's comments that the Site was under previous planning application No. A/YL-ST/322 rejected by the Town Planning Board on 9.2.2007. Under current application, 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 & 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. 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 should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future;
- (j) to note DFEH's comment that if any Food and Environmental Hygiene Department (FEHD)'s facility 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. The project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence / permit issued by FEHD is required if there is 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
- (k) the applicant is reminded to make reference to the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

