

RNTPC Paper No. A/YL-ST/533
For Consideration by
the Rural and New Town
Planning Committee
on 21.12.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/533

Applicant : Fu Hop Yick Management Limited represented by Lanbase Surveyors Limited

Site : Lot 774 RP in D.D. 99, San Tin, Yuen Long

Site Area : About 612 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8

Zoning : “Other Specified Uses” annotated “Service Stations” (“OU(SS)”)

Application : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services for a period of 3 years (**Plan A-1a**). The Site is currently vacant with temporary structures. According to the Notes for the “OU(SS)” zone of the approved San Tin OZP No. S/YL-ST/8, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site (in whole or in part) is the subject of 7 previously approved applications (Nos. A/YL-ST/36, 275, 342, 354, 424, 445 and 480) (**Plan A-1b**) with the former 6 mainly for temporary cross-boundary traffic service station uses. The last Application No. A/YL-ST/480 submitted by the same applicant for proposed temporary shop and services (retail shop) was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 19.2.2016 with conditions for a period of 3 years up to 19.2.2019. However, the permission was revoked on 19.7.2018 due to non-compliance with the condition on the implementation of water supplies for firefighting and fire service installations (FSIs) proposal.
- 1.3 According to the applicant, the proposed shop and services use includes retail shop, fast food shop and commercial service to serve the local community. As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible

from the south at Tung Wing On Road which connects to Castle Peak Road – San Tin. As compared with the last approved application No. A/YL-ST/480, there are increase in gross floor area (GFA), number of structures and building height. A comparison of the major development parameters between the last and current applications are summarised as follows:

	Last Application No. A/YL-ST/480 (a)	Current Application No. A/YL-ST/533 (b)	Difference (b) – (a)
Proposed Use	Proposed Temporary Shop and Services (Retail Shop) for a period of 3 Years	Proposed Temporary Shop and Services for a Period of 3 Years	Retail shop omitted
Site Area	About 612m ²	About 612m ²	-
Total GFA	204.96m ²	About 616.685m ² (excluding water tank)	+411.725m ²
No. of Structures	5 container structures	10 container structures	+5 structures
Building Height	5.2m/2 storeys	About 7m/2 storeys	+1.8m
No. of Loading and Unloading Area	1	1	-
Operation Hours	8:00a.m. to 11:00p.m. daily	8:00a.m. to 11:00p.m. daily	-

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 30.10.2018 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Letter dated 1.11.2018 clarifying the height of the open covers **(Appendix Ib)**
- (d) Letter dated 30.11.2018 providing responses to departmental comments **(Appendix Ic)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in paragraph 5 of the Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The planning intention of the “OU(SS)” zone is primarily to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby. Nevertheless, according to the Explanatory Statement of the OZP, sites under the “OU(SS)” zone could also be developed for commercial uses subject to planning permission from

the Board. Approval of the current application on a temporary basis will not prejudice the future long term planning of the area.

- (b) The Site is subject of a previous approved planning application No. A/YL-ST/480 for similar temporary shop and services (retail shop) use. The proposed scale and facilities under the current application are mostly the same as those of Application No. A/YL-ST/480 with minor change of the site layout and additional GFA for sheltering and walking platform, modification of structure design, and minor adjustment of the proposed use (from retail shops only to a wide range of shop and services).
- (c) The proposed use would provide local residents a convenient supply depot to support their daily necessities and no activities associated with general merchandise operators would be allowed. The proposed use is compatible with the surrounding land uses.
- (d) Most approval conditions under the previous planning application No. A/YL-ST/480 have been satisfactorily complied with. The applicant will continue to maintain well the existing facilities on the Site and comply with the outstanding condition on implementation of water supplies for fire-fighting and FSIs proposal.
- (e) There are approved planning applications for similar uses including temporary cross-boundary shopping centre and commercial development nearby within the same "OU(SS)" zone. The scale of proposed use under the current application is much smaller than that of the approved planning applications.
- (f) The proposed development will not cause significant adverse traffic, environmental and ecological impacts on the surrounding area. There will be 1 to 2 times of goods delivery by light goods vehicle (LGV) per day and the LGVs will be driven out of the Site after goods delivery. Adequate vehicle manoeuvring space has been reserved within the Site in order to avoid reverse driving from the Site. Most customers will commute to the Site by walking. The proposed access will also serve as pedestrian access as there are only limited vehicular trips to the Site.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

5. **Background**

The Site is not subject of any enforcement action.

6. **Previous Applications**

- 6.1 The Site is the subject of 9 previous application Nos. A/YL-ST/36, 192, 262, 275, 342, 354, 424, 445 and 480. Except for Application Nos. A/YL-ST/192 and 262, the other 7 applications were approved by the Committee (**Plan A-1b**).
- 6.2 Application No. A/YL-ST/36 for cross-boundary traffic service station use was approved with conditions by the Committee on 19.9.1997 for a period of 3 years mainly on the consideration that the development would provide supporting service facilities for the cross-boundary traffic and the container related facilities in the Lok Ma Chau (LMC) area, and the development was not incompatible with the surrounding land uses.
- 6.3 Application Nos. A/YL-ST/192 and 262 for cross-boundary traffic service station use for a period of 3 years were rejected by the Committee on 15.3.2002 and 14.5.2004 respectively for the reason that there was insufficient information in the submission to demonstrate that due regard had been given to minimize the adverse impacts of the development including drainage, traffic, sewerage, environment and ecology on the surroundings in particular the Mai Po Nature Reserve.
- 6.4 Application Nos. A/YL-ST/275, 342, 354, 424 and 445 for cross-boundary traffic service station uses were approved with conditions by the Committee on 15.4.2005, 12.10.2007, 17.4.2009, 5.10.2012 and 26.9.2014 respectively for periods of 3 years mainly on the consideration that the developments would provide supporting facilities for the cross-boundary traffic and the container related facilities in the LMC area, the developments were not incompatible with the surrounding land uses, and generally complied with the TPB PG-No. 12B and 13E. The permissions of Application Nos. A/YL-ST/275 and 342 were revoked on 15.6.2007 and 12.4.2009 respectively due to non-compliance with approval condition on the provision of FSIs and/or implementation of the vehicular access arrangement while all the approval conditions of Application No. A/YL-ST/354 have been complied with during the approval period. However, the permission of Application No. A/YL-ST/424 was revoked on 5.4.2013 due to non-compliance

with approval condition on submission of FSIs proposal. Application No. A/YL-ST/445 was also revoked on 26.12.2015 due to non-compliance with approval conditions on the submission and implementation of water supply for fire fighting and FSIs proposal, and the implementation of drainage and landscape and tree preservation proposals.

- 6.5 The last application No. A/YL-ST/480 submitted by the same applicant of the current application for proposed temporary shops and services (retail shop) was approved with conditions by the Committee on 19.2.2016 for a period of 3 years mainly on the consideration that approving the application on a temporary basis would not frustrate the long-term planning intention of the land use zoning, the proposed development is not incompatible with the surrounding area and concerned Government departments have no objection to or no adverse comment on the application. The permission was revoked on 19.7.2018 due to non-compliance of approval condition on the implementation of water supplies for fire fighting and FSIs proposal.
- 6.6 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are three similar applications within the same “OU(SS)” zone on the OZP. Application No. A/YL-ST/476 and its renewal application No. A/YL-ST/529 for temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods were approved by the Committee on 18.9.2015 and 7.9.2018 respectively for periods of 3 years mainly on the consideration that approval of the application on a temporary basis would not frustrate the long-term planning intention of “OU(SS)” zone; the proposed development is considered not incompatible with the surrounding areas; and would unlikely have significant off-site negative impact on ecological value of the WCA; and would not cause adverse impact on the surrounding areas.
- 7.2 Application No. A/YL-ST/503 for proposed commercial development (eating place, place of entertainment, and shops and services) with minor relaxation of height restriction and excavation of land was approved with conditions by the Committee on 26.1.2018 mainly on the consideration that the proposed development was generally in line with the planning intention for the “OU(SS)” zone; concerned departments have no objection to the application; and the proposed building form and building height are considered compatible with the surrounding areas.
- 7.3 Details of these applications are summarized at **Appendix III**. Location of these applications are shown on **Plan A-1a**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 8.1 The Site is:

- (a) accessible from the south off Tung Wing On Road leading to Castle Peak Road – San Tin;
- (b) currently vacant with temporary structures; and
- (c) located within the WBA of Deep Bay.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and northwest is a temporary cross-boundary shopping centre (i.e. The Boxes) approved under Application No. A/YL-ST/529. The area is also the subject of an approved application No. A/YL-ST/503 for proposed commercial development (eating place, place of entertainment, and shops and services) with minor relaxation of height restriction and excavation of land;
- (b) to the west across Tung Wing On Road is a car park approved under Application No. A/YL-ST/491 for temporary public vehicle park (private cars only);
- (c) to the immediate south is vacant land and further south across Tung Wing On Road are residential dwellings intermixed with shops, vacant land and a site for temporary shop and services (retail shops, laundry, pharmacy and convenient store) (approved under planning application No. A/YL-ST/521), a temporary public vehicle park for private car and LGV (approved under Application No. A/YL-ST/479), and residential dwellings scattered within the adjacent “Village Type Development” (“V”) zone (**Plan A-2**); and
- (d) to the east and southeast across Castle Peak Road – San Tin are unused and vacant land.

9. **Planning Intention**

- 9.1 The “OU(SS)” zone is intended primarily to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby.
- 9.2 According to the Explanatory Statement (ES) of the OZP, sites under the “OU(SS)” zone could be developed for commercial uses subject to planning permission of the Board. In order to have a better control of the impact of any development on drainage, traffic, sewerage, environment and ecology on the nearby extensive fish pond area, for those uses which require planning application, the applicant has to prepare a layout plan and to demonstrate that due regard has been given to minimize the adverse impacts of the development on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish pond areas.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

Without recent inspection, his comments/observations based on the applicant's information are as follows:

- (a) The Site comprises an Old Schedule Agricultural Lot held under Block Government Lease under which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Site is accessible to Tung Wing On Road via Government Land (GL). His office provides no maintenance work to the GL involved and does not guarantee any right-of-way.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the planning application, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. 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. 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.

Environment

10.1.2 Comments of the Director of Environmental Protection (DEP):

He has no adverse comment on the application. The applicant is seeking planning permission for proposed shop and services for a period of 3 years. The Site is about 612m² in area and zoned "OU(SS)" on the approved OZP.

Nature Conservation

10.1.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As the Site is paved and disturbed whilst the proposed development would involve 2-storey container structures and open covers only, he has no strong view on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant should be advised to adopt good site practices and implement water pollution control measures as necessary in order to avoid affecting the nearby watercourse.

Traffic

10.1.4 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to the public road network via a section of a local access which are 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.
- (b) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

10.1.5 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Tung Wing On Road should be commented by TD.
- (b) If the access arrangement is agreed by TD, the applicant should construct a run in/out at the access point at Tung Wing On Road 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.
- (c) HyD does not and will not maintain any access connecting the Site and Tung Wing On Road. The applicant should be responsible for his own access arrangement. Presumably, the relevant departments will provide their comments, if any.

- (d) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (e) The Site falls within the Northern Link (NOL) Route Protection Boundary. Railway Development Office will provide their comments separately, if any.

10.1.6 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Site falls within the area of influence of the possible long term extension of NOL to Lok Ma Chau. He has no comment on the application from railway development viewpoint considering the temporary nature of the application.

Fire Safety

10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) FSIs are anticipated to be required in consideration of the design/nature of the proposal. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Service Department for approval. The applicant is also advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) 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.

Buildings Matters

10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) The Site appears not abutting 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. Comment on the proposed development intensity is reserved at this stage.
- (b) 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.

- (c) Proper means of escape should be provided for the retail shops on 1/F. Detailed checking will be made at the building plan submission stage.

Drainage

10.1.9 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the application from drainage operation and maintenance point of view.
- (b) He notes that the applicant implemented the drainage facilities on site under previous planning application No. A/YL-ST/480. The relevant drainage proposal & implementation works were considered satisfactory at that time. Under current application, the applicant should provide a set of the latest record photographs showing the completed drainage works (including the internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs. It is noted that the site photos in the Appendix 6 & 10 of the planning application document submitted by the applicant are considered not properly prepared for the purpose.
- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) 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.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP should be obtained.
- (f) The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future.
- (g) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant shall ensure and keep all drainage facilities on site under proper maintenance at all times.

Landscaping

10.1.10 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site, located to the north of Tung Wing On Road and west of Castle Peak Road (San Tin Section), falls within an area zoned “OU(SS)” on the approved OZP. The Site is the subject of 9 previous Applications. The last Application No. A/YL-ST/480 for proposed temporary shop and services (retail shop) to which he has no objection from landscape planning point of view was approved by the Committee on 19.2.2016. However, the planning permission was revoked on 19.7.2018 due to non-compliance of an approval condition other than landscape planning.
- (b) Comparing the aerial photo of 2016 to the latest aerial photo of 2018, there is no significant change in the rural landscape characters where the Site is located. The surrounding area comprises temporary structures, car parks, village houses and scattered tree groups. The proposed use is considered not incompatible with the landscape setting in proximity. As further adverse landscape impact arising from the proposed use is not anticipated, he has no objection to the application from landscape planning perspective.
- (c) As the same applicant had implemented the landscaping works satisfactorily in November 2017, in compliance with the last planning permission (i.e. Application No A/YL-ST/480), should the Board approve the subject application, he would suggest including the following condition in planning approval:

The existing trees within the Site shall be maintained in healthy condition at all time during the approval period.

Advisory Comments

- (d) The applicant is reminded that the proposed water tank, fire service (FS) pump room, and loading/unloading area shall not encroach into the tree protection zone of existing trees.
- (e) 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.jpg

nt_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

Others

10.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) Food and Environmental Hygiene Department (FEHD)'s prior consent must be obtained if any FEHD facility is affected by the development. 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.
- (b) Proper licence / permit issued by this Department is required if food business or related place of entertainment is involved:
 - (i) For the operation of any types of food business, relevant food licences should also be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132); and
 - (ii) Any person who desires to keep or use any place of public entertainment, for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.
- (c) Environmental nuisance should not be generated to the

surroundings if the proposal involves any commercial/trading activities. The applicant should handle on their own/at their expenses for any waste generated from the commercial/trading activities.

10.1.12 Comments of the Commissioner of Police (C of P):

He has no comment in principle subject to no illegal parking at Tung Wing On Road.

District Officer's Comments

10.1.13 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has no comment on the application and the local comments shall be submitted to the Board direct, if any.

10.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Director of Leisure and Cultural Services (DLCS);
- (d) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (e) Project Manager (West), West Development Office, Civil Engineering and Development Department (PM(W), CEDD).

11. Public Comments Received During Statutory Publication Period

On 6.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 27.11.2018, no public comment has been received.

12. Planning Considerations and Assessments

12.1 The applicant seeks permission for temporary use of the Site for shop and services use for a period of 3 years. The Site falls within the "OU(SS)" zone which is intended to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby. According to the ES of the OZP, sites under the "OU(SS)" zone could be developed for commercial uses subject to planning permission of the Board. The proposed shop and services use is to provide retail shop, fast food shop and commercial services to serve the local community. There is no

immediate proposal for permanent development at this part of the “OU(SS)” zone. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “OU(SS)” zone.

- 12.2 According to the applicant, the proposed shop and services use at the Site would provide local residents a convenient place to support their daily necessities and activities associated with general merchandise operators will not be allowed. The proposed development is not incompatible with the surrounding areas which are predominantly occupied by a temporary cross-boundary shopping centre, residential dwellings, local shops and temporary car parks.
- 12.3 The Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA as stated in the TPB PG-No. 12C. DAFC has no strong view on the application from nature conservation point of view as the Site is paved and disturbed whilst the proposed development would involve 2-storey container structures and open covers only.
- 12.4 Concerned Government departments, including C for T, DEP, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, environmental, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraph 13.2 (f) to (h) below. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting operation hours and activities on-site and requiring the maintenance of existing paving, boundary fencing, trees and drainage facilities are recommended in paragraphs 13.2 (a) to (e) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.
- 12.5 The Site is the subject of seven previously approved applications (Nos. A/YL-ST/36, 275, 342, 354, 424, 445 and 480) mainly for temporary cross-boundary service station uses. The last application No. A/YL-ST/480 submitted by the same applicant for proposed temporary shops and services (retail shop) was approved with conditions by the Committee on 19.2.2016 for a period of 3 years. There are also three applications for similar uses approved within the same “OU(SS)” zone on the OZP. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Although the last application No. A/YL-ST/480 was revoked on 19.7.2018 due to non-compliance with approval condition on the implementation of water supplies for fire fighting and FSIs proposal, the applicant has committed to comply with the relevant approval condition should the application be approved. In view that D of FS has no objection in principle to the application, it is considered that the subject application may be given sympathetic consideration. Shorter compliance period for closely monitoring of the progress on compliance with the approval conditions are recommended, should the application be approved. The applicant

will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 12.7 No public comment on the application was received during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department has no objection to the application.

- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years up to 21.12.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 11:00p.m. and 8:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (c) the maintenance of paving and boundary fencing on the Site at all times during the planning approval period;
- (d) the maintenance of existing trees on the Site at all times during the planning approval period;
- (e) the maintenance of existing drainage facilities at all times during the planning approval period;
- (f) the submission of as-built drainage plans and photographic records within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.3.2019;
- (g) the submission of water supplies for fire fighting and fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.3.2019;
- (h) in relation to (g) above, the implementation of water supplies for fire fighting and fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.6.2019;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied

with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

13.3 There is no apparent reason to reject the application.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 30.10.2018
Appendix Ia	Planning Statement
Appendix Ib	Letter dated 1.11.2018 clarifying the height of the open covers
Appendix Ic	Letter dated 30.11.2018 providing responses to departmental comments
Appendix II	Previous applications covering the application site
Appendix III	Similar applications within the same "OU(SS)" zone on San Tin OZP No. S/YL-ST/8
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan

Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2018**