

**Previous s.16 Applications covering the Application Site
on the San Tin OZP No. S/YL-ST/8**

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Decision of the RNTPC/TPB	Approval Conditions
1.	A/YL-ST/36	Cross-border traffic service station (including canteen, container freight station, container repair workshop, office and services trades) for a period of 3 years	19.9.1997 Approved by RNTPC (3 years)	2, 3, 4, 6
2.	A/YL-ST/275*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, tyre repair workshop, office and services trades) for a period of 3 years	15.4.2005 Approved by RNTPC (3 years) [Revoked on 15.6.2007]	1, 2, 3, 4
3.	A/YL-ST/342*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, tyre repair workshop, office and services trades) for a period of 3 years	12.10.2007 Approved by RNTPC (2 years) [Revoked on 12.4.2009]	1, 2, 3, 6, 12
4.	A/YL-ST/354	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, office and services trades) for a period of 3 years	17.4.2009 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14
5.	A/YL-ST/424*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, office and services trades) for a period of 3 years	5.10.2012 Approved by RNTPC (3 years) [Revoked on 5.4.2013]	1, 2, 3, 5, 6, 7, 9, 10 11 13, 14, 15, 16
6.	A/YL-ST/445	Temporary cross-boundary traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, vehicle repair workshop, office) with ancillary services trades (including handling in and out of container freight, arrival and departure of goods vehicles) and staff canteen for a period of 3 years	26.9.2014 Approved by RNTPC (3 years)	1, 2, 3, 5, 7, 10, 11, 13, 14, 15, 16
7	A/YL-ST/480*	Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years	19.2.2016 Approved by RNTPC (3 years)	1, 2, 3, 15

* denotes permission revoked

Approval Condition(s):

- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s).
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period/The submission of a condition record of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals/The landscape planting on the site should be maintained at all times during the approval period.
- (4) The submission of traffic impact assessment/traffic management schemes and implementation of mitigation measures.
- (5) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (6) The setting back of the site to avoid encroachment onto the proposed local road widening works/projects.
- (7) No operation for certain time limit specified in the approved conditions of respective applications.
- (8) No operation on Sundays and public holidays.
- (9) No cutting, dismantling, repairing and workshop activity.
- (10) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (11) The submission and provision of buffer area proposal.
- (12) The submission and provision of a proper run-in /a vehicular access and run-in/car parking arrangement should be maintained.
- (13) The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- (14) The stacking height of containers stored at any other parts of the site should not exceed certain units at any time during the planning approval period.
- (15) Revocation clause.
- (16) Reinstatement clause.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-ST/192	Temporary cross boundary traffic service station (including car park, container freight station, container storage, container tractor/trailer park, tyres repair workshop, office and service trades) for a period of 3 years	15.3.2002 Rejected by RNTPC	1
2.	A/YL-ST/262	Temporary cross-border traffic service station (including public car park, container tractor/trailer park, container freight station, container storage, tyre repair areas, ancillary site office and service trades) for a period of 3 years	14.5.2004 Rejected by RNTPC	2

Rejection Reasons:

- (1) 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 and the contiguous fish pond areas, and the nearby residents.
- (2) The development did not comply with the revised TPB Guidelines for "Application for Developments within Deep Bay Area", and was not in line with the TPB Guidelines for "Temporary Open Storage and Port Back-up Uses". 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 and the contiguous fish ponds.



**Similar s.16 Applications within the Same “OU(SS)” Zone
on the San Tin OZP No. S/YL-ST/8**

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Decision of the RNTPC/TPB	Approval Conditions
1.	A/YL-ST/476	Temporary Cross-boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Services (Fast Food Shop), Office and Storage of Consumer Goods for a Period of 3 Years	18.9.2015 Approved by RNTPC (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9
2.	A/YL-ST/529	Renewal of Planning Approval for Temporary Cross-boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Services (Fast Food Shop), Office and Storage of Consumer Goods for a Period of 3 Years	7.9.2018 Approved by RNTPC (3years)	1, 2, 3, 5, 7, 9
3.	A/YL-ST/503	Proposed Commercial Development (Eating Place, Place of Entertainment, and Shops and Services) with Minor Relaxation of Height Restriction and Excavation of Land	26.1.2008 Approved by RNTPC	10-20

Approval Condition(s):

- (1) The submission and implementation of water supplies for fire fighting and fire service installations proposal/ the provision of fire extinguisher(s).
- (2) The submission of revised Drainage Impact Assessment and implementation of identified mitigation measures, and the implemented drainage facilities shall be maintained at all times during the planning approval period.
- (3) The submission and implementation of landscaping and tree preservation proposals/the landscape planting on the site should be maintained at all times during the approval period.
- (4) The submission and implementation of parking layout plan and public transport services proposal.
- (5) The provision of the paving and boundary fencing/the paving and boundary fencing on the site should be maintained.
- (6) The submission of environmental assessment and implementation of identified mitigation measures.
- (7) No operation for certain time limit specified in the approved conditions of respective applications.
- (8) The submission and implementation of junction improvement proposal and the modification works in the roads and/or locations specified in the approved conditions of respective applications.
- (9) Revocation clause.
- (10) The submission and implementation of a revised layout plan to take into account all other approval conditions of the application.

- (11) The proposed development should not exceed the height of the buildings as proposed by the applicant.
- (12) The submission and implementation of a revised Landscape Master Plan including tree preservation proposal.
- (13) The submission of a revised Ecological Impact Assessment and implementation of the mitigation measures identified.
- (14) The submission of a revised Sewerage Impact Assessment and implementation of sewage treatment and disposal measures identified.
- (15) The submission of a revised Environmental Assessment and implementation of mitigation measures identified.
- (16) The submission of a revised Drainage Impact Assessment and the provision and maintenance of the drainage mitigation measures identified.
- (17) The provision of a comprehensive public transport service proposal for both cross-boundary and local visitors.
- (18) The implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin Public Transport Interchange with the development.
- (19) The design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development.
- (20) The design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations.

Recommended Advisory Clauses

- (a) shorter compliance period for closely monitoring of progress on compliance with the approval conditions are recommended. Should the applicant fail to comply with approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site and the access to the Site;
- (c) to note DLO/YL, LandsD's comments that 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. 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. The Site does not fall within Shek Kong Airfield Height Restriction Area. 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;
- (d) to note DAFC's comments that 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;
- (e) 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 are not managed by Transport Department (TD). The land status of the local access road should be clarified with the Lands Department 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;
- (f) to note D of FS' comments that fire service installations (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. 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 formulate upon receipt of formal submission of general building plans;

- (g) to note CBS/NTW, BD's comments that 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. 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. 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;
- (h) to note CHE/NTW, HyD's comments that 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; His department 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. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (i) to note CE/RD 2-2, RDO, HyD's comments that the Site falls within the area of influence of the possible long term extension of Northern Link to Lok Ma Chau;
- (j) to note CE/MN, DSD's comments 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. 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 should be obtained. 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. 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;

- (k) to note CTP/UD&L, PlanD's comments that 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. The applicant may make reference to the following promulgated by 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/HM_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

- (l) to note DFEH's comments that if any Food and Environmental Hygiene Department's (FEHD) 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. Besides, 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 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. 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

- (m) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the EPD to minimize potential environmental impacts on the surrounding area.