

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-ST/57	Temporary Container Trailer Park and Vehicle for Repairing/Washing Workshop with Restaurant for a Period of 12 Months	3.7.1998 Approved by RNTPC (12 months)	(1), (2) & (6)
2.	A/YL-ST/104	Temporary Container Tractor/Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 12 Months	8.10.1999 Approved by RNTPC (12 months)	(1), (2) & (6)
3.	A/YL-ST/288*	Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years	18.11.2005 Approved by TPB on review (12 months) (revoked on 18.2.2006)	(1), (2), (3), (4), (7), (8) & (9)
4.	A/YL-ST/317*	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	18.8.2006 Approved by RNTPC (12 months) (revoked on 18.7.2007)	(1), (2), (3), (5), (7), (8) & (9)
5.	A/YL-ST/343	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	4.1.2008 Approved by RNTPC (3 years)	(1), (2), (3), (5), (7), (8) & (9)
6.	A/YL-ST/391	Renewal of Planning Approval for Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	26.11.2010 Approved by RNTPC (3 years)	(1), (2), (3), (6), (7) & (9)
7.	A/YL-ST/488*	Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store) for a Period of 3 Years	26.8.2016 Approved by RNTPC (3 years) (revoked on 26.11.2017)	(1), (2), (3), (6), (10) & (11)
8.	A/YL-ST/521*	Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store) for a Period of 3 Years	26.1.2018 Approved by RNTPC (3 years) (revoked on 26.6.2020)	(1), (2), (3), (6), (7), (10) & (12)

* denotes permission revoked

Approval Conditions

- (1) The submission/implementation of landscaping and tree preservation proposals/compensatory planting/The existing vegetation should be maintained.
- (2) The submission/implementation/provision of drainage proposals/drainage facilities.
- (3) The submission/implementation of fire service installations/The provision of 9-litre water type/3kg dry powder fire extinguisher in the site office
- (4) The submission of Traffic Impact Assessment (TIA) and implementation of traffic improvement

measures.

- (5) The submission and provision of a proper run-in proposal.
- (6) The provision of fencing/and paving/The paving should be maintained.
- (7) No vehicles without valid licences/No medium and heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, issued under/as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site.
- (8) Only private cars, taxi, light vans and motor bikes are allowed to be parked on the site.
- (9) No car washing and vehicle repair workshop are allowed on the site.
- (10) No operation between 8:00 p.m. and 8:00 a.m. is allowed on the site.
- (11) The submission and implementation of proposal on provision of buffer zone at the entrance of the site to avoid queuing on Tung Wing On Road.
- (12) No vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed.

Rejected Applications

No.	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-ST/16	Temporary Container Vehicle/ Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	6.12.1996 Rejected by RNTPC	(1), (2), (3) & (7)
2.	A/YL-ST/34	Temporary Container Vehicle/ Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	22.8.1997 Rejected by RNTPC	(1), (2), (3) & (7)
3.	A/YL-ST/41	Temporary Container Vehicle/ Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for a Period of 12 Months	21.11.1997 Rejected by RNTPC	(1), (2), (3) & (7)
4.	A/YL-ST/126	Temporary Container Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 3 Years	19.5.2000 Rejected by RNTPC	(1), (2), (5), (6) & (7)
5.	A/YL-ST/153	Temporary Container Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a Period of 3 Years	22.12.2000 Rejected by RNTPC	(1), (2), (4), (6) & (7)
6.	A/YL-ST/203	Temporary Container Trailer Park with Vehicle Washing/Repairing Workshop and Canteen for a period of 3 Years	9.8.2002 Rejected by RNTPC	(1), (2), (4) & (6)
7.	A/YL-ST/222	Temporary Weighing Station, Tyre Repair Workshop and Canteen for a Period of 3 Years	23.5.2003 Rejected by TPB on review	(1), (2), (4) & (6)
8.	A/YL-ST/270	Temporary Public Car Park for a Period of 3 Years	30.7.2004 Rejected by RNTPC	(1), (4) & (6)
9.	A/YL-ST/307	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	28.4.2006 Rejected by RNTPC	(1), (4) & (6)

Rejection Reasons

- (1) The development was not in line with the planning intention of the "V" zone which was to designate both existing recognised villages and other suitable areas of land for village expansion.
- (2) The development was incompatible with the surrounding area which was predominantly rural in character/the surrounding village type development and the future Small Houses within the application site.
- (3) There was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding area.
- (4) There was no information in the submission to demonstrate that the development would not

have adverse environmental, drainage and sewerage impacts on the surrounding areas including the nearby villages and the Deep Bay.

- (5) There was insufficient information in the submission to demonstrate that a proper vehicular access could be provided for the development traffic to the southern portion of the application site without having adverse impact on the surrounding areas.
- (6) As there was a programme for Small House development in the application site, there was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (7) The approval of the application would set an undesirable precedent for similar applications. The cumulative effect of which would degrade the environment of the area.

**Similar s.16 Applications within “V” zone
on the San Tin OZP No.S/YL-ST/8**

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/412*	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.3.2012 Approved by RNTPC (3 Years) (Revoked on 21.5.2013)	(1), (2), (3), (4), (5), (6) & (7)
2.	A/YL-ST/458*	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.6.2015 Approved by RNTPC (3 Years) [Revoked on 5.9.2015]	(1), (2), (3), (4) & (6)
3.	A/YL-ST/556	Temporary Shop and Services for a Period of 3 Years	20.9.2019 Approved by RNTPC (3 Years)	(1), (2), (6) & (8)

*denotes permission revoked

Approval Conditions:

- (1) The submission and implementation of fire service installations proposal.
- (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 the submission of as-built drainage plans and sections and photographic records of the existing drainage facilities
- (3) The submission and implementation of landscaping and tree preservation proposals/ The implementation of compensatory planting based on the landscape proposal approved under Application No. A/YL-ST/127 (No. A/YL-ST/385)/The landscape planting on the site should be maintained at all times during the approval period.
- (4) The provision of boundary fencing/the paving /and boundary fencing on the site should be maintained.
- (5) The setting back of the southern portion of the site to avoid encroachment onto the works area of PWP Item No. 4112CD (Drainage Improvement at Northern New Territories - Package A - Drainage Improvement Works in San Tin (Remaining Works)), as and when required by the Government.
- (6) No operation between 11:00 p.m. and 7:00 a.m. (No. A/YL-ST/385); between 8:00 p.m. and 9:00 a.m. (Nos. A/YL-ST/412 and A/YL-ST/458); between 11:00 p.m. and 8:00 a.m. (No. A/YL-ST/556).
- (7) No vehicular access to the site.
- (8) No vehicle is allowed to queue back to or reverse onto/from the site.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-ST/505	Proposed Temporary Shop and Services (Convenient Store and Currency Exchange Shop) for a Period of 3 Years	14.7.2017 Rejected by RNTPC	(1) & (2)

Rejected Reasons:

- (1) The proposed development is not in line with the planning intention of the "Village Type Development" zone which is to reflect existing recognized villages and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) The applicant fails to demonstrate that the proposed development will not have any adverse impact on pedestrian traffic in the area.

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

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-ST/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	7.9.2018 Approved by RNTPC (3 Years to 18.9.2021)	(1), (2), (3), (7) & (8)
2.	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	26.1.2018 Approved by RNTPC	(1), (2), (3), (4), (10), (11), (12), (13), (14), (15), (16)
3.	A/YL-ST/533	Proposed Temporary Shop and Services for a Period of 3 Years	21.12.2018 Approved by RNTPC (3 Years)	(1), (1) (7), (8) & (9)

Renewal of planning approval under Application No. 476

Approval Conditions:

- (1) The submission and implementation of water supplies for fire fighting and fire service installations (FSIs) proposal/the design and provision of emergency vehicular access, water supplies for fire-fighting and FSIs.
- (2) The submission and implementation of drainage proposal/revised Drainage Impact Assessment/The implementation of mitigation measures identified in the revised Drainage Impact Assessment/The implemented drainage facilities shall be maintained.
- (3) The submission and implementation of landscaping /and tree preservation proposals/The landscape planting on the site should be maintained.
- (4) The submission of revised Environmental Assessment/The implementation of mitigation measures identified in the revised Environmental Assessment.
- (5) The submission and implementation of parking layout plan and public transport services proposal/The implementation of the public transport services proposal shall tie in with the commissioning of the proposed development and shall be maintained.
- (6) The submission and implementation of junction improvement proposal at Tung Wing On Road and the modification works within the San Tin public transport interchange (PTI).
- (7) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (8) No operation between 11:00 p.m. and 8:00 a.m.
- (9) No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.
- (10) The submission and implementation of a revised layout plan.
- (11) The proposed development should not exceed the height of the buildings as proposed by the applicant.
- (12) The submission of a revised Ecological Impact Assessment (EcoIA) and implementation of the

mitigation measures identified in the EcoIA.

- (13) The submission of a revised Sewerage Impact Assessment (SIA) and implementation of sewage treatment and disposal measures identified in the SIA.
- (14) The provision of a comprehensive public transport service proposal for both cross-boundary and local visitors.
- (15) The implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin PTI with the development, as proposed by the applicant.
- (16) The design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development.

Detailed Departmental Comments

- (a) Comments of the Director of Fire Services (D of FS):
- (i) the applicant is advised that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS; and
 - (ii) 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;
- (b) Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) the drainage proposal should be prepared according to the Guideline on preparation of the drainage proposal which is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf;
 - (ii) the applicant should mark clearly the site boundary on the drainage plan and provide 300mm U-channel (min.) along the whole site boundary. The drainage submission 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 and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow, etc.) with supporting design calculations and charts should be included. As per the FI in **Appendix Id**, the drainage proposal should also address the following:
 - catchpits should be provided at every corners of the site boundary;
 - for the two discharge points, full engineering information, e.g. the invert level to demonstrate that there will not be any backflow effect, photos showing their existing condition, and connection details with levels of the proposed discharge points should be provided;
 - (iii) approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
 - (iv) after completion of the required drainage works, the applicant shall provide DSD with a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. 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;

- (v) 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;
 - (vi) 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; and
 - (vii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site; and
- (c) Comments of the Director of Food and Environmental Hygiene (DFEH):
- (i) if any facility of the Food and Environmental Hygiene Department (FEHD) is affected by the development, FEHD's prior consent must be obtained. Re provisioning 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 re provisioned facilities to FEHD;
 - (ii) 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; and
 - (iii) 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.

Recommended Advisory Clauses

- (a) shorter compliance periods are given to monitor the progress of compliance. Moreover, should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (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 government land (GL) of the Site is covered by a Short Term Tenancy (STT) No. 3136 for the purpose of “Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store)”. According to the proposed scheme, two converted containers (29 sq.m., 2-storey with a height of 4.8m high) will be used for guard house and staff rest room. According to the tenancy conditions of STT 3136, the Site shall not be used for any purpose other than for the purpose of “Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store)”. Therefore, LandsD reserves the right to take enforcement action against such uses as guard house and staff rest room as deemed fit. The private land of Lots 3049 RP and 3050 RP in D.D. 102 are covered by STW No. 4711 to permit structures for the purpose of “Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store)”. Should planning approval be given to the application, the STT/STW holder will need to apply to his office for modification of the STT/STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Such applications 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;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Tung Wing On Road, adequate drainage measures should be provided to prevent surface water flowing from the Site to the nearby public roads and drains;
- (d) to note the comments of the Chief Engineer/Railway Development 2-2 (CE/RD 2-2), RDO, HyD that the Site falls within the area of influence (AOI) of the long-term bifurcation to Lok Ma Chau Station of the proposed Northern Link (NOL), which the proposed NOL is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the long-term bifurcation to Lok Ma Chau Station of the NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration, of the NOL. The applicant should be satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of the NOL;

- (e) to note the comments of the Director of Fire Services (D of FS) that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS. 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;
- (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) 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;
- (g) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the drainage proposal should be prepared according to the Guideline on preparation of the drainage proposal which is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf. The applicant should mark clearly the site boundary on the drainage plan and provide 300mm U-channel (min.) along the whole site boundary. The drainage submission should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to the Site. Catchpits should be provided at every corners of the site boundary. Full engineering information such as the invert level, photos and connection details for the two discharge points should be provided. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow, etc.) with supporting design calculations and charts should be included. 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 with a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. 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. Re-provisioning 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 re-provisioned 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 on site, the applicant should handle on their own/at their expenses;
- (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; and
- (j) to note the comments of the Director of Leisure and Cultural Services (DLCS) that the applicant is responsible for the maintenance of trees inside the GL within the application site boundary.

