

**Similar s.16 Applications within the same “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</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 - 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 - 4, 6
3.	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 - 4, 6, 8, 9
4.	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)	1 - 4, 6, 9 - 11

*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 as-built drainage plans and sections and photographic records of the existing drainage facilities
- (3) The submission and implementation of landscape and tree preservation proposals/ The implementation of compensatory planting /The landscape planting on the Site should be maintained at all times during the approval period.
- (4) The provision of boundary fencing and/or paving on the Site should be maintained.
- (5) The setting back of the southern portion of the Site to avoid encroachment onto the relevant government works area.
- (6) No operation between specified time periods.
- (7) No vehicular access to the Site.
- (8) The submission and implementation of buffer zone at the entrance of the Site.
- (9) Revocation Clause
- (10) No medium/heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or

container trailers/tractors are allowed to enter, park or operate on the Site.

- (11) No vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration</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	All

Rejected Reasons:

- (1) The proposed development is not in line with the planning intention of the "Village Type Development" zone.
- (2) The applicant fails to demonstrate that the proposed development will not have any adverse impact on pedestrian traffic in the area.

Recommended Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that the Site is accessible from Castle Peak Road - San Tin through GL. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STT/STW holders will need to apply to this 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lesser at its sole discretion and there is no guarantee that such applications will be approved. If such applications are 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;
- (c) to note C for T's comments that the applicant should seek the relevant land authority on the right of using the vehicular access. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note CHE/NTW, HyD's comments that the applicant should provide the run in/out at Castle Peak Road - San Tin 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. HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road - San Tin. Adequate drainage measures should be provided at the site access to prevent surface water running from the Site to the nearby public roads and or exclusive road drains;
- (e) to note CE/RD 2-2, RDO, HyD's comments that the Site falls within the area of influence (AOI) for the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed 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 nuisance, such as noise and vibration of the proposed NOL;
- (f) to note D of FS' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised: (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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BD 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. 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;
- (h) to note CE/MN, DSD's comments that 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 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. (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). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for the connection. For sewage disposal and treatment, agreement from DEP 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;

- (i) to note DFEH's comments that proper licence / permit issued by his Department 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;
- (j) to note DEMS's comments that there is a high pressure underground town gas transmission pipeline (running along San Tin Highway) in the vicinity of the Site. The project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the proposed development. The project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Services Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference. The webpage address is: [https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf); and
- (k) 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 on the surrounding areas.

