

Previous Applications covering the Application Site

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/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) [Revoked on 26.12.2015]	1, 2, 3, 5, 7, 8, 9, 10, 11

* denotes permission revoked

Approval Condition(s):

- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s)/ the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations.
- (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/Landscape Master Plan/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 vehicles without valid licenses issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (9) The submission and provision of buffer area proposal.
- (10) 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.
- (11) 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.

Rejected Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Rejection Reasons
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, sewage, 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 Outline Zoning Plan 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 to 8
2.	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, 9, 18
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	26.1.2018 Approved by RNTPC	1, 2, 5, 6, 7, 10 to 15
4.	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 (3 years)	1, 2, 3, 4, 5, 18
5.	A/YL-ST/533	Proposed Temporary Shop and Services for a Period of 3 Years	21.12.2018 Approved by RNTPC (3 years)	1, 2, 3, 4, 5, 16, 17, 18

* denotes permission revoked

Approval Condition(s):

- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s)/ the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations.
- (2) The submission and implementation of landscaping and tree preservation proposals/Landscape Master Plan/The landscape planting on the site should be maintained at all times during the approval period.
- (3) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (4) No operation for certain time limit specified in the approved conditions of respective applications.
- (5) The submission of revised Drainage Impact Assessment, implementation of mitigation measures identified in the revised Drainage Impact Assessment, and implemented drainage facilities shall be maintained at all times during the planning approval period.
- (6) The submission of revised Environmental Assessment and implementation of mitigation

measures identified in the revised Environmental Assessment.

- (7) The submission of parking layout plan and public transport services proposal, implementation of parking layout plan and public transport services proposal, and implementation of the public transport services proposal.
- (8) 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), as proposed in the TIA.
- (9) 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.
- (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 and implementation of the mitigation measures identified therein in the revised Ecological Impact Assessment.
- (13) The submission of a revised Sewerage Impact Assessment and implementation of sewage treatment and disposal measures identified therein in the revised Sewerage Impact Assessment.
- (14) The implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin Public Transport Interchange with the development, as proposed by the applicant.
- (15) The design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development.
- (16) No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.
- (17) The submission of as-built drainage plans and photographic records.
- (18) Revocation clause.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (c) to note DLO/YL's comments that no permission is given for occupation of Government land (GL) GL of about 199m² in area (subject to verification) included in the Site. The occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. The Site is accessible from Tung Wing On Road through both GL and private land. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holders will need to apply to this office for modification of the STW conditions where appropriate. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to this office for permitting the structures to be erected or regularise 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 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;
- (d) to note C for T's comments that the Site is connected to the public road network via a section of private lot(s) which is not managed by TD. As there is no information about the vehicular access at the private lot(s) to the concerned site, the applicant should arrange by themselves, if necessary, with the relevant lot owner(s) on the right of using the vehicular access;
- (e) to note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Tung Wing On Road. Adequate drainage measures should be provided at the site access to prevent surface water running from the Site to the nearby public roads or exclusive road drains;
- (f) to note CE/RD 2-2, RDO, HyD's comments that the Site falls within the area of influence (AOI) of the possible long term extension of the proposed Northern Link (NOL) to Lok Ma Chau. NOL 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 subject to nuisances, such as noise and vibration of the proposed NOL;

- (g) to note DAFC's comments that the applicant is advised to adopt good site practices and implement water pollution measures as necessary in order to avoid affecting the nearby watercourse at the west of the Site;
- (h) to note D of FS' comments that in consideration of the design/nature of the proposal, 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;
- (i) to note CBS/NTW, BD's comments that 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 Building Authority should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the 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. 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 plan submission stage;
- (j) to note CE/MN, DSD's comments that the last application No. A/YL-ST/445 with different site boundary was revoked on 26.12.2015. In this respect, the application would be processed as a new case. 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; and

- (k) to note DFEH's comments that 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.

