

Previous s.16 Applications covering the Application Site

Approved Applications

No.	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
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)

* denotes permission revoked

Approval Conditions

- (1) The submission/implementation of landscaping 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

Rejected Applications

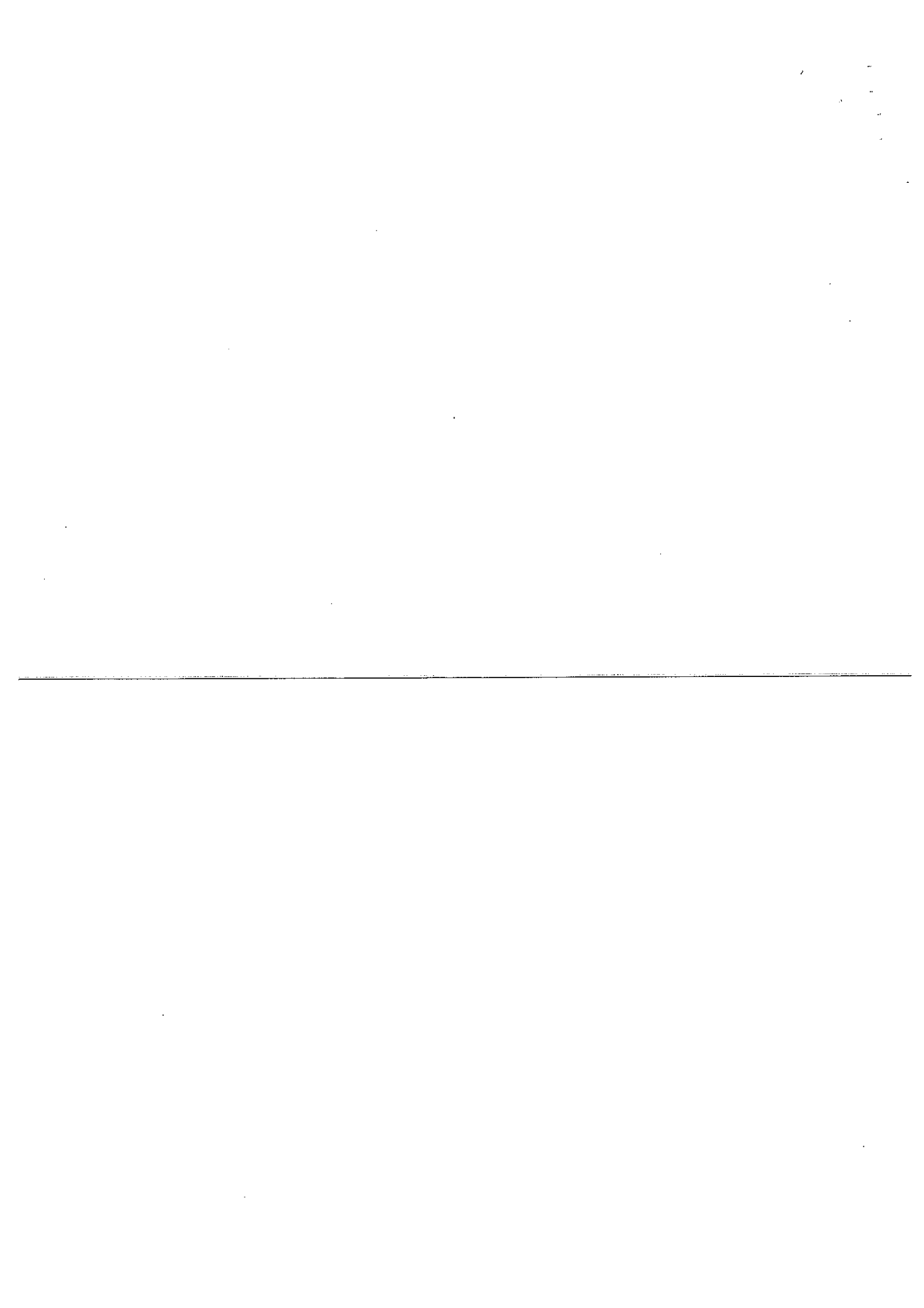
<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-ST/16	Temporary Container Vehicle/ Trailer and Lorry Repair Workshop, Container Vehicle Park, Weigh Bridge, Tyre Repair Workshop and Canteen for 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)

*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).
- (7) No vehicular access to 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.
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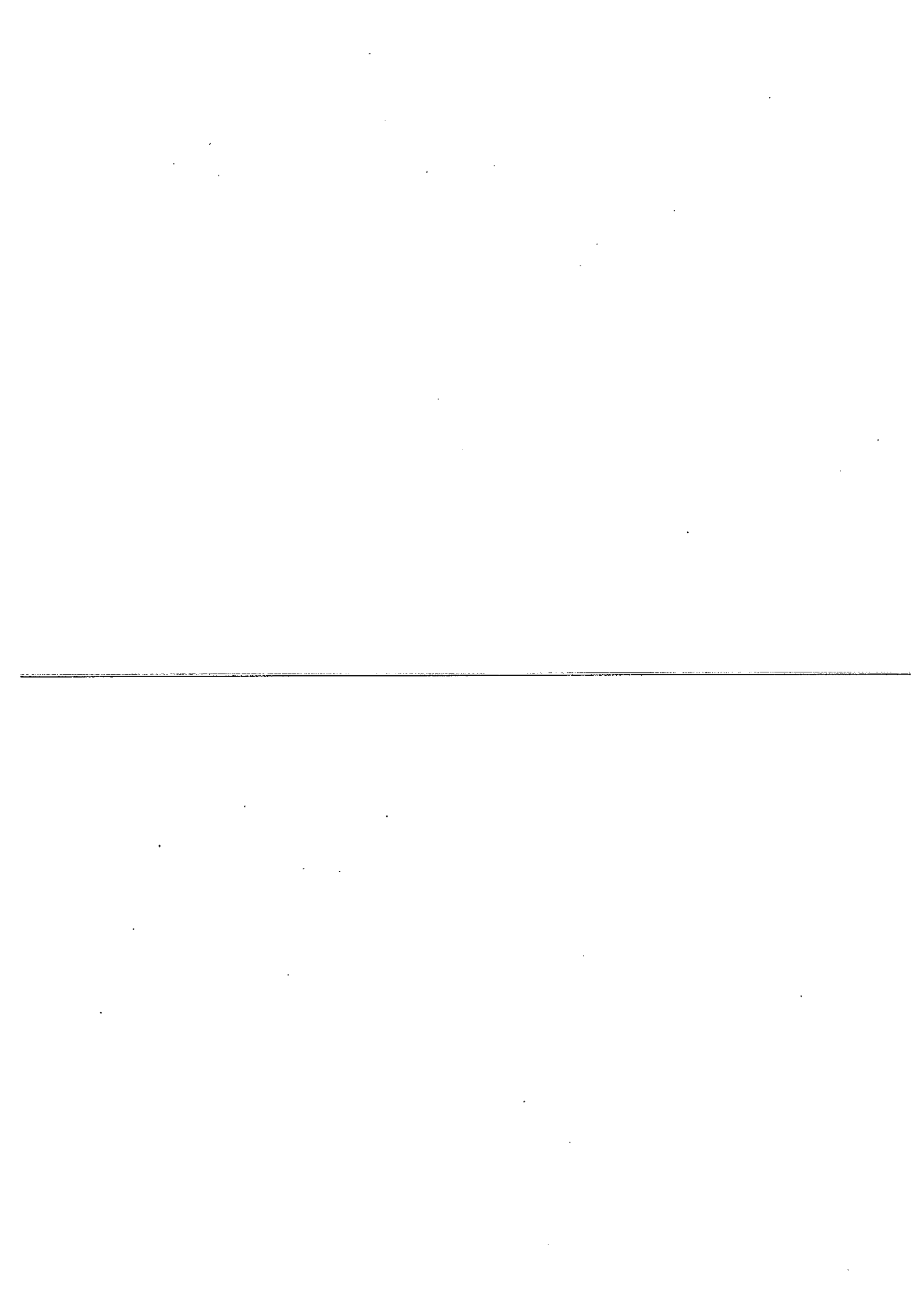
**Similar s.16 Applications within "OU(SS)" zone
on the San Tin OZP No.S/YL-ST/8**

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/476	Proposed Temporary Cross-Boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Service (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)
2.	A/YL-ST/480	Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store) for a Period of 3 Years	19.2.2016 Approved by RNTPC (3 Years)	(1), (2), (3), (7) & (8)

Approval Conditions:

- (1) The submission and implementation of water supplies for fire fighting and fire service installations proposal.
- (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. (Nos. A/YL-ST/476 and A/YL-ST/480).



Recommended Advisory Clauses

- (a) To resolve any land issues relating to the temporary use with the concerned owner(s) of 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 the comments of DLO/YL, LandsD that the Site comprises Old Schedule Agricultural Lot held under Block Government Lease under which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. According to their record, there are two Small House applications received which are currently under processing within the Site. The private land of Lots Nos. 3048 S.B, 3048 RP, 3049 RP and 3050 RP in D.D. 102 are covered by a Short Term Waiver (STW) No. 4711 to permit structures for the purpose of "Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store)". 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)". The Site is accessible to Tung Wing On Road through GL only. His office provides no maintenance works for 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 application, the STT/STW holder will need to apply to his office for modification of the STT/STW conditions if there is any irregularity on site. Such application 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 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 the comments of CHE/NTW, HyD that the existing vehicular access connecting the Site and Tung Wing On Road is not and will not be maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) To note the comment of the CE/RD 2-2, RDO, HyD that part of the Site would fall within the area of influence of the proposed Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL. The applicant shall be reminded of the above when planning its land use application;
- (f) To note the comments of DEP that the applicant is advised to make reference to the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" for the Recommended Pollution Control Clauses if construction is required;

- (g) To note the comments of the D of FS that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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 that (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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) To note the comments of the CBS/NTW, BD that before any new building works (including containers and shelters as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are UBW under the BO and should not be designated for any approved use under the application. For UBW erected on leased land, enforcement action may be taken by the BA 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. 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; and
- (i) To note the comments of CE/MN, DSD that the drainage proposal attached to the application is considered unacceptable. The applicant should provide full details of the 2 underground pipes and the final discharge outfalls (e.g. cover and invert levels of pipes/outfalls) and justify their use. Should additional drainage works be required, 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 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.