

RNTPC Paper No. A/YL-ST/529
For Consideration by
the Rural and New Town
Planning Committee
on 7.9.2018

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-ST/529

- Applicant** : Topcycle Development Limited represented by Top Bright Consultants Limited
- Site** : Lots 661 S.C RP, 669 RP, 674 RP (Part) and 733 S.E (Part) in D.D. 99 and adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 39,722.148m² (including about 2,736.367m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Other Specified Uses” annotated “Service Stations” (“OU(SS)”)
- Application** : 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

1. The Proposal

- 1.1 The applicant seeks 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 at the application site (the Site) (**Plan A-1a**). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-ST/476. The permission is valid until 18.9.2018.
- 1.2 The Site (in whole or in part) is the subject of eight previously approved applications (**Plan A-1b**). Six applications are for temporary cross-border traffic service station uses (Application Nos. A/YL-ST/36, 275, 342, 354, 424 and 445). The last two applications submitted by the current applicant are for temporary cross-boundary shopping centre and commercial development respectively (Application Nos. A/YL-ST/476 and 503). The current application is to seek renewal of planning approval (Application No. A/YL-ST/476) for proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods which

was granted by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 18.9.2015 for a period of 3 years. The concerned planning permission is valid until 18.9.2018 and all approval conditions had been complied with.

- 1.3 According to the applicant, the temporary shopping centre which is named “The Boxes” had been implemented and opened on 3.2.2018. It is built out of freight containers and temporary structures with 15 clusters of one-storey structures and 208 shop units. The layout plan and landscape plan submitted by the applicant are at **Drawings A-1 and A-2**. The development parameters under the current application are generally the same as those approved under Application No. A/YL-ST/476 except that there is an increase in number of parking spaces for medium goods vehicles from 12 to 17 previously agreed by Transport Department (**Drawing A-3**) and minor change in building layout. The major development parameters of the current application are summarized below.

Major Development Parameters	Application No. A/YL-ST/529
Development / Use	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
Site Area (About)	39,722.148m ² (including 2,736.367m ² of GL)
Plot Ratio	0.3
Total Accountable GFA	12,034.103m ²
Total Non-accountable GFA (Electrical & Mechanical Rooms)	435.666m ²
Site Coverage	45.368%
Building Height	- 5.8m (for shops and ancillary uses) - 12m (for clock and signage tower)
No. of Storey	1
No. of Structures	15 clusters
No. of Shops	208
No. of Parking Spaces	
-Private Car	95 (including 2 for the disabled)
-Medium Goods Vehicles	17 ¹
-Coaches	17
-Taxi	8
Business Hours	
-Operation Hours	8:00a.m. to 11:00p.m. daily
-Shopping Hours	10:00a.m. to 10:00p.m. daily

- 1.4 In support of the application, the applicant has reviewed/updated some of the

¹ The increase in five medium goods vehicle parking spaces had been agreed by Transport Department during the subsequent implementation of the approved scheme under Application No. A/YL-ST/476.

previously approved technical assessments and submitted review on traffic impact assessment (TIA) and drainage impact assessment (DIA) (**Appendix Ia**).

Review on Traffic Impact Assessment and Transport Arrangement

1.5 According to the review on TIA, it is anticipated that upon full operation, the number of daily visitors for the temporary shopping centre would be about 6,000 and 8,000 on weekday and weekend/public holiday respectively. The percentage split between tourists and local residents would be about 85:15 (same estimate under Application No. A/YL-ST/476). The following existing traffic measures would be continued:

- (a) provision of designated shuttle bus service directly from Mainland to the temporary shopping centre;
- (b) free shuttle bus connecting the temporary shopping centre and San Tin public transport interchange (Yellow Bus terminus);
- (c) tour coach arrangement including provision of drop off/pick up point for Mainland direct tour and local tour;
- (d) high parking charge to discourage the use of private car; and
- (e) junction improvement at Tung Wing On Road and modification works within the San Tin Public Transport Interchange.

1.6 The traffic review concluded that, with the estimated number of daily visitors and the already implemented traffic measures, there would be no adverse traffic impact to the existing road network including nearby road junctions, pedestrian movement and public transport services in the surrounding areas arising from the temporary shopping centre upon full operation.

Review on Drainage Impact Assessment and Drainage System

1.7 The applicant has reviewed the DIA under the current application. It is revealed that there is no significant change in drainage conditions within the Site except the open water channel originally located at the downstream area to the southwest outside the Site had been reconstructed into a underground pipeline. In view of changed drainage conditions, it is recommended in the DIA to divert all the surface runoff from the Site to the northwest corner of the Site for discharge (**Drawing A-4**). There would not be any adverse drainage impact to the surrounding areas arising from the temporary shopping centre.

1.8 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 13.7.2018 (**Appendix I**)
- (b) Planning Statement including review on TIA and DIA (**Appendix Ia**)
- (c) Supplementary Information received on 16.7.2018 with a replacement page of the application form and revised DIA (**Appendix Ib**)
- (d) Further Information received on 21.8.2018 with a revised drainage proposal (**Appendix Ic**)

- (e) Further Information received on 24.8.2018 with responses **(Appendix Id)** to departmental comments
- (f) Further Information received on 28.8.2018 with **(Appendix Ie)** clarifications on the revised drainage proposal
- (g) Further Information received on 28.8.2018 with **(Appendix If)** clarifications on the traffic review
- (h) Further Information received on 31.8.2018 with responses **(Appendix Ig)** to departmental comments

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia**. They can be summarized as follows:

Need for the Temporary Shopping Centre

- (a) The temporary shopping centre responds to the prevailing need for additional shopping areas outside existing urban and new town areas with a view to relieving pressure on existing shopping destinations in Yuen Long and Fanling/Sheung Shui especially during weekends and public holidays.
- (b) The temporary shopping centre is an attraction for visitors. For Mainland tourists, it would be their last stop for last minute shopping before leaving the boundary for the Mainland. Besides, it serves community needs and provides local job opportunities for the residents near the northern boundary of Hong Kong.

Need for Renewal of Planning Permission

- (c) Subsequent to the planning approval of the last Application No. A/YL-ST/476 in September 2015, the applicant has actively carried out preparation works for implementation including applications for Short Term Tenancy and Short Term Waiver, submissions of revised technical assessments, submission of building plans and application for temporary occupation permit (TOP). However, it takes a long time for the applicant to obtain all the approvals and carry out the construction works of the shopping centre. Upon approval of the TOP in November 2017, the planning permission only left with less than one year of validity period, which affects the leasing process as most prospective tenants require at least 2 to 3 years' leasing period. About 42% of the shops have been leased. Approval of the renewal application would allow the applicant to provide a longer leasing period for both existing and potential tenants of the shopping centre. It would also enable the optimum use of land resources and building structures at the Site.
- (d) The survey on recent number of visitors revealed that the daily number of visitors, in particular Mainland tourists visiting the shopping centre, is way short of the estimated numbers. There would be measures to promote the shopping centre upon renewal of planning permission and it is anticipated the number of visitors would gradually increase. The applicant is actively preparing a marketing plan for the

shopping centre, considering rental adjustment and liaising with in-bound travel agencies in adding the shopping centre as one of their visiting places.

- (e) A number of local brands have already set up their businesses in the shopping centre. More local brands are in the final stage of liaising and awaiting the approval of this application to facilitate a longer lease term.

Planning Intention and Land Use Compatibility

- (f) The development is only on a temporary basis and will not pre-empt the planning intention of the “OU(SS)” zone. There is no major change in the immediate surrounding of the Site as compared to 2015 when Application No. A/YL-ST/476 was approved. The development is complementary to the surrounding uses.

Interface with Approved Permanent Commercial Development at the Site

- (g) There is also another planning application (No. A/YL-ST/503) for a permanent commercial development at the Site submitted by the applicant approved by the Committee. The proposed continuation of the shopping centre will not result in interface conflict with the approved permanent commercial development as a lead time of at least 2 to 3 years would be required for the applicant to obtain approval from various authorities and prepare for implementation of the approved permanent commercial development.

Technical Aspects

- (h) The current application is supported by technical assessments accepted under Application No. A/YL-ST/476 as well as reviews on TIA and DIA under the current application. Moreover, all the approval conditions under Application No. A/YL-ST/476 including implementation of traffic, environmental, drainage and landscape and tree preservation proposals have already been complied with. With the mitigation measures on various technical aspects implemented, there would be no adverse traffic, environmental and drainage impact generated by the development.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the private lots within the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL within the Site, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable.

4. Town Planning Board Guidelines

Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)

- 4.1 According to the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for

Temporary Use or Development (TPB PG-No. 34B), the criteria for assessing applications for renewal of planning approval are as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/ land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planning permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable;
- (e) any other relevant considerations; and
- (f) the approval period for renewal should not be longer than the original validity period of the temporary approval.

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

4.2 According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

5. Background

The Site is not subject of any enforcement action.

6. Previous Applications

6.1 The Site is the subject of ten previous application Nos. A/YL-ST/36, 192, 262, 275,

342, 354, 424, 445, 476 and 503. The former eight of which are for temporary cross-boundary traffic service station, and the last two are for temporary cross-boundary shopping centre and proposed commercial development respectively. Except for application Nos. A/YL-ST/192 and 262, all applications were approved by the Committee (**Plan A-1b**).

- 6.2 Application Nos. A/YL-ST/36, 275, 342, 354, 424 and 445 for temporary cross-boundary traffic service station use were approved with conditions by the Committee on 19.9.1997, 15.4.2005, 12.10.2007, 17.4.2009, 5.10.2012 and 26.9.2014 respectively for periods of 2 to 3 years mainly on the consideration that the development would provide supporting facilities for the cross-boundary traffic and the container related facilities in the Lok Ma Chau (LMC) area, the development was not incompatible with the surrounding land uses, and the development generally complied with the TPB PG-Nos. 12B and 13E, whereas application Nos. A/YL-ST/192 and 262 were rejected by the Committee on 15.3.2002 and 14.5.2004 respectively mainly on technical grounds.
- 6.3 Application No. A/YL-ST/476 submitted by the same applicant for proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods was approved with conditions by the Committee on 18.9.2015 for a period of 3 years mainly on the consideration that approval of the application at the Site on a temporary basis would not frustrate the long-term planning intention of the “OU(SS)” zone; the proposed development is not incompatible with the surrounding areas; would unlikely have significant off-site negative impact on the ecological value of the WCA; and would not cause adverse impact on the surrounding areas. The planning permission will lapse on 18.9.2018.
- 6.4 The last Application No. A/YL-ST/503 submitted by the same applicant for proposed commercial development (eating place, place of entertainment, shop and services) with minor relaxation of height restriction and excavation of land was approved with conditions by the Committee on 26.1.2018 mainly on the consideration that the proposed development was generally in line with the planning intention for the “OU(SS)” zone; concerned departments have no objection to the application; the proposed building form and building height are considered compatible with the surrounding areas.
- 6.5 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Application

There is an Application No. A/YL-ST/480 for temporary shop and services (retail shop) (with a site area of about 612m²) within the same “OU(SS)” zone on the OZP submitted by a different applicant, which was approved by the Committee on 19.2.2016 for a period of 3 years, mainly on the consideration that the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “OU(SS)” zone (**Plan A-1a**). Nevertheless, the planning permission was revoked on 19.7.2018 due to non-compliance of an approval

condition for implementation of water supplies for fire fighting and fire service installations proposal by the same date.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4)

8.1 The Site is:

- (a) accessible from the northeast off San Tin Tsuen Road leading to Castle Peak Road – San Tin, and from the south off Tung Wing On Road leading to Castle Peak Road – San Tin;
- (b) in close proximity to the LMC Control Point and the LMC Spur Line Control Point;
- (c) currently used for the applied use with valid planning permission under Application No. A/YL-ST/476; and
- (d) located within the WBA of Deep Bay.

8.2 The surrounding areas are predominated by vehicle parks, village houses, residential dwellings, open storage yards and vacant/unused land:

- (a) to the north across San Tin Tsuen Road is a temporary vehicle park for container vehicles, a container storage area, and vehicle/tyre repair workshop and sale of container vehicles and the related parts approved under Application No. A/YL-ST/506;
- (b) to the immediate west are unused and vacant land. To the further west are local villages, namely Tung Chan Wai, On Lung Tsuen and Wing Ping Tsuen within the adjacent “Village Type Development” (“V”) zone;
- (c) to the immediate south across Tung Wing On Road are car parks, shops, village houses, residential dwellings, construction sites for village houses, vacant/unused land within the “V” zone;
- (d) to the southeast across Castle Peak Road – San Tin are vacant/unused land and a depot of Highways Department;
- (e) to the northeast is San Tin Tsuen Road, a nullah, San Sham Road and a temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang Cross Boundary shuttle buses only) with ancillary facilities (including a refreshment kiosk) approved under Application No. A/YL-ST/523 within the adjacent “Undetermined” (“U”) zone; and
- (f) to the further east across San Tin Tsuen Road and Castle Peak Road – San Tin is San Tin public transport interchange (Yellow Bus terminus).

9. Planning Intention

- 9.1 The “OU(SS)” zone is intended primarily to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby.
- 9.2 According to the Explanatory Statement (ES) of the OZP, sites under the “OU(SS)” zone could be developed for commercial uses subject to planning permission of the Board. In order to have a better control of the impact of any development on drainage, traffic, sewerage, environment and ecology on the nearby extensive fish pond area, for those uses which require planning application, the applicant has to prepare a layout plan and to demonstrate that due regard has been given to minimize the adverse impacts of the development on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish pond areas.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application and public comments are summarised as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) 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.
 - (b) The GL of the Site is covered by Short Term Tenancy (STT) No. 2871 for the purpose of “Temporary Cross-boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Service (Fast Food Shop), Office and Storage of Consumer Goods”.
 - (c) The private land of Lots Nos. 661 S.C RP, 669 RP and 674 RP in D.D. 99 is covered by Short Term Waiver (STW) No. 4299 to permit structures for the purpose of “Temporary Cross-boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Service (Fast Food Shop), Office and Storage of Consumer Goods”.
 - (d) The Site is accessible to San Tin Tsuen Road and Tung Wing On Road through private land and GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.

- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the planning 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. Besides, the lot owner of the lot without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site. Such application will be considered by the 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 the LandsD.

Environment

10.1.2 Comments of the Director of Environmental Protection (DEP):

- (a) He understands that there are no changes to the applied use, the intensity of the development in the current application as well as planning circumstances. He has no comments on the application provided that the environmental mitigation measures are maintained.
- (b) There was no environmental complaint related to the Site in the past 3 years.

Nature Conservation

10.1.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) The Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA as stated in the TPB PG-No. 12C. Nevertheless, he notes that the Site is hard-paved and disturbed, and is about 300m far away to the nearest fish ponds to the west of the Site and wetlands in the Deep Bay area. The development mainly comprises existing freight containers and/or temporary structures not exceeding 5.8m in height. It is considered that the development would be unlikely to have significant negative impact on the ecological value of the WCA. Assuming that the applicant would continue to implement the measures proposed in the previous application No. A/YL-ST/476 for controlling off-site disturbance, glare and water pollution to the surrounding areas (including but not limited to provision of fencing and landscape planting along site boundary, avoiding floodlighting or over-illumination and proper collection of sewage for off-site disposal), he has no adverse comment on the application from ecological perspective. According to the TPB

PG-No. 12C, the current application involves temporary uses could be exempted from the submission requirement of EcoIA.

- (b) Should the application be approved, he suggests adding an advisory clause reminding the applicant to continue to implement relevant measures as committed by the applicant in the previous application. Besides, the applicant is also advised to ensure that the use of transparent or reflective glasses/facades should be avoided as far as practicable in order to minimize potential bird strike impact.

Traffic

10.1.4 Comments of the Commissioner for Transport (C for T):

- (a) He has no further comments on the proposed renewal of planning approval under previous application No. A/YL-ST/476 from traffic engineering point of view.
- (b) He notes that the percentage split between Mainland tourists and local visitors will be close to the estimated value as previous Application No. A/YL-ST/476 after implementing the promotion and advertising activities and full operation of the shopping centre as stated in paragraph 4.23 of the TIA (**Appendix If**) and the applicant has concluded the implementating of the shopping centre would not constitute adverse traffic impact to the existing road network, pedestrian movement and public transport in paragraph 6.9 of TIA.

10.1.5 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Tung Wing On Road and San Tin Tsuen Road should be commented by Transport Department (TD).
- (b) His department does not and will not maintain any access connecting the Site and Tung Wing On Road, and the Site and San Tin Tsuen Road. Presumably, the relevant departments will provide their comments, if any.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (d) The Site falls within the Northern Link (NOL) Route Protection Boundary. The Railway Development Office of his department will provide their comemnts separately, if any.

10.1.6 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) He has no comment on the proposed renewal of planning approval under previous application No. A/YL-ST/476.
- (b) Part of the Site falls within the administrative route protection boundary of the proposed NOL bifurcation to LMC. 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.

Tourism Aspect

10.1.7 Comments of the Commissioner for Tourism (C for Tourism):

- (a) The applicant is applying for the renewal of planning approval for temporary cross-boundary shopping centre at a site in San Tin near the LMC Control Point and LMC Spur Line Control Point for a period of three years. From the tourism perspective, the cross-boundary shopping centre offers alternative shopping experience for the visitors in Hong Kong as well as meets their shopping need.
- (b) In view of the above, he has no objection to the application provided that it is agreeable to all relevant Government departments, and that the applicant is able to meet all requirements laid down by the relevant departments. He trusts that relevant Government departments would comment on the technical feasibility of the development.

Fire Safety

10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposed renewal of the planning approval subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) Furthermore, the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

Buildings Matters

10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

He has the following comments:

- (a) An Authorized Person (AP) and a Registered Structural Engineer (RSE) should be appointed to submit relevant plans of the proposed buildings and building works for prior approval by the Building Authority (BA) under the Buildings Ordinance (BO).
- (b) Detailed checking of plans will be carried out upon formal submission of the building plans.

Drainage

10.1.10 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no further comment on the application from drainage operation and maintenance point of view.
- (b) In view of the changed drainage conditions outside the Site, should the application be approved, it is recommended to impose approval conditions on submission of revised DIA, implementation of mitigation measures identified in the revised DIA and the maintenance of the implemented drainage facilities.

Landscape

10.1.11 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application.
- (b) The Site is the subject of ten previous applications and he has no objection to Application No. A/YL-ST/476 for the same use from landscape planning perspective.
- (c) Comparing the aerial photos taken in 2018 and 2015, there are no significant changes in the rural landscape character of the area surrounding and within the Site which is composed of temporary structures, open storage yards, ponds, village houses and tree groups. According to his site inspection taken on 13.7.2018, existing trees in poor to good condition are found within the Site. In view that further significant adverse impact arising from the applied use is not anticipated, he has no objection to the application from landscape planning perspective.

- (d) Should the Board approve the application, he would recommend the standard condition for maintenance of existing trees and landscape plantings to satisfactory condition during the approval period be applied in the planning permission.

Other comments

- (e) During his site inspection, 5 existing trees in poor health condition are observed within the Site. The applicant should act immediately to step up tree maintenance works to all existing trees within the Site. If the health conditions of the 5 existing trees are unrecoverable, replacement trees should be arranged as required maintenance work.
- (f) Useful information on general tree maintenance and care as well as good practices on Tree Risk Assessment is available for reference in 護養樹木的簡易圖解 and the Handbook of Tree Management published by the Greening, Landscape and Tree Management Section, Development Bureau. Respective webpages are: (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) (https://www.greening.gov.hk/en/tree_care/Handbook_on_Tree_Management.html).

Water Supply

10.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected. A Waterworks Reserve within 1.5metres from the centreline of the water mains shall be provided to WSD.
- (c) No structure shall be erected or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Food and Environmental Hygiene

10.1.13 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) If any Food and Environmental Hygiene Department (FEHD)'s 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.
- (b) 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.
- (c) 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.

Others

10.1.14 Comments of the Chief Town Planner/Studies and Research, Planning Department (CTP/SR, PlanD):

- (a) PlanD and the Civil Engineering and Development Department jointly commissioned the "Preliminary Feasibility Study on Developing the New Territories North" (the Study) to examine the development potential of the New Territories North (NTN) and the strategic infrastructure provisions required for the development, and the Study has been completed. The Study has identified Potential Development Areas (PDAs) in the NTN with two development scenarios.
- (b) According to the Concept Plan proposed under the Study, the Site falls within one of the PDAs, namely San Tin/Lok Ma Chau Development Node, and is proposed for "Commercial (Cross Boundary Retail)" use under both development scenarios. The implementation of the PDAs would be subject to the outcome of "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030". As the Study is only a preliminary feasibility study, further studies on planning and engineering feasibility need to be conducted prior to taking forward any NTN development proposals, if deemed appropriate. In the meantime, the temporary use at the Site should be considered with the provisions of the OZP and the existing infrastructure capacities.

10.1.15 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) While the development parameters in current application are generally same as the previous approved scheme and there is no addition of building/structure except re-organizing 3 temporary structures under the current application, he has no comment from a town gas safety point of view.
- (b) There is a high pressure town gas pipeline running along Castle Peak Road – San Tin in the vicinity of the Site. The applicant should liaise/coordinate with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and any required minimum set back distance away from the gas pipes/ gas installations during the design and construction stages of the development.
- (c) The project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference. The Code can be downloaded via the following web-link:
[http://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes(english).pdf).

10.1.16 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) He has no comment on the application.
- (b) Though as mentioned in the application document, the 60 existing trees within the Site and the 6 trees located outside the Site's southern boundary are to be maintained by the applicant at all times during the proposed planning approval period, the applicant is still reminded of the following:
 - (i) from tree preservation point of view, every possible effort should be made to preserve these trees and minimize any adverse impact that may be imposed on them at all circumstances;
 - (ii) if trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DevB TC(W) No. 7/2015; and
 - (iii) Leisure and Cultural Services Department reserves the right to comment on the TPRP where appropriate and applicable.

District Officer's Comments

10.1.17 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has no comment on the application and the local comments should be submitted to the Board directly, if any.

10.2 The following Government bureau/departments have no comment on the application:

- (a) Secretary for Security (S for S);
- (b) Commissioner of Customs and Excise (C for C&E);
- (c) Director of Immigration (D of Imm);
- (d) Commissioner of Police (C of P);
- (e) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD); and
- (f) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

11. Public Comments Received During Statutory Publication Period

On 17.7.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 7.8.2018, three public comment were received. Two comments were received from the San Tin Rural Committee and the village representative of Yan Shau Wai Tsuen objecting to the application mainly on the grounds that the existing traffic network would not be able to support the traffic generated by the development; the development would have adverse impacts on traffic, pedestrian flow, public order and environmental hygiene of the area; there is no new information on traffic/road arrangement as well as assessment on environmental and public order aspects supporting the development; and there is no need for large scale shopping facility in the area. The remaining comment was from a general public providing comments that there is a strong demand for healthcare services across the border and it is suggested converting some of the facility in the development to a healthcare centre (**Appendix III**).

12. Planning Considerations and Assessments

Planning Intention

12.1 The application is for renewal of the 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 within the "OU(SS)" zone. The planning intention of the "OU(SS)" zone is to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby. According to the ES of the OZP, sites under the "OU(SS)" zone could be developed for commercial uses subject to planning permission of the Board. While the Site is also the subject of an application No. A/YL-ST/503 for proposed permanent commercial development approved on 26.1.2018, the applicant stated that at least 2 to 3 years would be required to obtain approval from various authorities and prepare for implementation of the development. The current temporary use would be an interim use at the Site to fit in the time gap before the development of the permanent commercial development and to optimise the use of land resources. Approval of the current application at the site

on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “OU(SS)” zone.

Land Use Compatibility

12.2 The Site is strategically located in close proximity to the LMC cross-boundary area. According to the applicant, the temporary shopping centre is a new attraction for visitors and helps to relieve pressure on existing shopping destinations in Yuen Long and Fanling/Sheung Shui. C for Tourism has no objection to the application and considers that the development offers alternative shopping experience for the visitors in Hong Kong as well as meets their shopping need from tourism perspective. The temporary shopping centre provides 15 clusters of one-storey container-made structures for 208 shop units with plot ratio of 0.3, total accountable GFA of about 12,034m² and building height of 5.8m (for shops and ancillary uses) and 12m (for clock and signage towers). The development is not incompatible with the surrounding areas which are predominantly occupied by vehicle parks, village houses, domestic structures and open storage yards.

TPB PG-No. 34B

12.3 The current application is for the renewal of the planning approval under Application No. A/YL-ST/476 for the same use for a further period of 3 years. The renewal is in line with TPB PG-No. 34B in that since the last approval, there has been no major change in planning circumstances; concerned Government departments have no objection to or no adverse comments on the application; adverse planning implication arising from the renewal of the planning approval are not expected; and all the approval conditions under previous approval had been complied.

Ecological Impact

12.4 The Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA as stated in the TPB PG-No. 12C. With the implementation of the measures proposed by the applicant in the previous application No. A/YL-ST/476 for controlling off-site disturbance, glare and water pollution to the surrounding areas, DAFC has no adverse comment on the application from ecological perspective.

Technical Considerations

12.5 In support of the application, the applicant has submitted reviews on the TIA and DIA. C for T and CHE/NTW of HyD have no adverse comment on the application and the review on TIA. CE/MN of DSD has no adverse comment on the application and the review on DIA and recommends to impose approval conditions on submission of revised DIA, implementation of mitigation measures identified in the revised DIA and the maintenance of the implemented drainage facilities in paragraphs 13.2 (f) to (h) below.

12.6 Other Government departments, including DEP, CTP/UD&L of PlanD, D of FS and CE/C of WSD, have no objection to or no adverse comment on environmental, sewerage, landscape, fire safety and water supply aspects. The technical requirements of D of FS could be addressed by approval conditions in paragraphs 13.2 (d) to (e) below. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours and

maintenance of paving, boundary fencing, and existing trees and landscape plantings are recommended in paragraphs 13.2 (a) to (c) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.

Previous and Similar Applications

12.7 There have been eight previously approved applications (Nos. A/YL-ST/36, 275, 342, 354, 424, 445, 476 and 503) mainly for temporary cross-boundary traffic station service station, temporary cross-boundary shopping centre and commercial development at the Site. Application No. A/YL-ST/476 submitted by the same applicant for proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods was approved with conditions by the Committee on 18.9.2015 for a period of 3 years. The last Application No. A/YL-ST/503 submitted by the same applicant for proposed commercial development (eating place, place of entertainment, shop and services) with minor relaxation of height restriction and excavation of land was approved with conditions by the Committee on 26.1.2018. There is also a similar application No. A/YL-ST/480 for temporary shop and services (retail shop) within the same “OU(SS)” zone approved by the Committee. Approval of the current application is in line with the previous decisions of the Committee.

Public Comments

12.8 There are two public comments raising concerns that the development would have adverse impacts on traffic, pedestrian flow, public order and environmental hygiene of the area; there is no need for large scale shopping facility in the area; and one comment suggesting a healthcare centre at the Site. In this regard, the planning assessments above are of relevance.

13. Planning Department’s Views

13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods could be tolerated for a further period of 3 years.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years from 19.9.2018 to 18.9.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

(a) no operation between 11:00p.m. and 8:00a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (c) the existing trees and landscape plantings within the site should be maintained at all times during the approval period;
- (d) the submission of water supplies for fire fighting and fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2019;
- (e) in relation to (d) above, the implementation of water supplies for fire fighting and fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2019;
- (f) the submission of revised Drainage Impact Assessment within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.3.2019;
- (g) in relation to (f) above, the implementation of mitigation measures identified in the revised Drainage Impact Assessment within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.6.2019;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) if any of the above planning conditions (a), (b), (c) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[The above conditions are similar to those imposed under previous Application No. A/YL-ST/476, except for conditions (b) and (c) which are amended to accord with the latest circumstances/comments of the relevant departments. Other conditions under Application No. A/YL-ST/476 in relation to the submission of revised Environmental Assessment and implementation of mitigation measures identified, the submission and implementation of parking layout plan and public transport services proposal, the submission and implementation of junction improvement proposal and the modification works within the San Tin public transport interchange had already been complied with.]

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

13.3 There is no apparent reason to reject the application.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 13.7.2018
Appendix Ia	Planning Statement including review on TIA and DIA
Appendix Ib	Supplementary Information received on 16.7.2018 with a replacement page of the application form and revised DIA
Appendix Ic	Further Information received on 21.8.2018 with a revised drainage proposal
Appendix Id	Further Information received on 24.8.2018 with responses to departmental comments
Appendix Ie	Further Information received on 28.8.2018 with clarifications on the revised drainage proposal
Appendix If	Further Information received on 28.8.2018 with clarifications on the traffic review
Appendix Ig	Further Information received on 31.8.2018 with responses to departmental comments
Appendix II	Previous applications covering the Site
Appendix III	Public comments received during statutory publication period
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Drawing A-3	Car Parking Layout Plan
Drawing A-4	Drainage Plan

Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2018**