

Previous Applications covering the 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/275*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, tyre repair workshop, office and services trades) for a period of 3 years	15.4.2005 Approved by RNTPC (3years) [Revoked on 15.6.2007]	1, 2, 3, 4
3.	A/YL-ST/342*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, tyre repair workshop, office and services trades) for a period of 3 years	12.10.2007 Approved by RNTPC (2 years) [Revoked on 12.4.2009]	1, 2, 3, 6, 12
4.	A/YL-ST/354	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, office and services trades) for a period of 3 years	17.4.2009 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14
5.	A/YL-ST/424*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, office and services trades) for a period of 3 years	5.10.2012 Approved by RNTPC (3 years) [Revoked on 5.4.2013]	1, 2, 3, 5, 6, 7, 9, 10, 11, 13, 14
6.	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, 10, 11, 13, 14
7.	A/YL-ST/476	Temporary cross-boundary shopping centre with ancillary car park, eating	18.9.2015 Approved	1, 3, 5, 15, 16, 17, 18,

		place, shop and services (fast food shop), office and storage of consumer goods for a period of 3 years	by RNTPC (3 years)	19
8.	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, 3, 16, 17, 20, 21, 22, 23, 24, 25, 26

* 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 operation on Sundays and public holidays.
- (9) No cutting, dismantling, repairing and workshop activity.
- (10) No vehicles without valid licenses issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (11) The submission and provision of buffer area proposal.
- (12) The submission and provision of a proper run-in /a vehicular access and run-in/car parking arrangement should be maintained.
- (13) 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.
- (14) 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.
- (15) No operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period.
- (16) 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.
- (17) The submission of revised Environmental Assessment and implementation of mitigation measures identified in the revised Environmental Assessment.
- (18) 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.

- (19) 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.
- (20) The submission and implementation of a revised layout plan.
- (21) The proposed development should not exceed the height of the buildings as proposed by the applicant.
- (22) The submission of a revised Ecological Impact Assessment and implementation of the mitigation measures identified therein in the revised Ecological Impact Assessment.
- (23) The submission of a revised Sewerage Impact Assessment and implementation of sewage treatment and disposal measures identified therein in the revised Sewerage Impact Assessment.
- (24) The provision of a comprehensive public transport service proposal for both cross-boundary and local visitors.
- (25) 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.
- (26) The design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development.

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.

Recommended Advisory Clauses

- (a) to note DLO/YL's comments that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The 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". 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)". 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. The Site does not fall within Shek Kong Airfield Height Restriction Area. 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;
- (b) to note DAFC's comments that the applicant should continue to implement the measures for controlling off-site disturbance, glare and water pollution to the surrounding areas. 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;
- (c) to note CHE/NTW, HyD's comments that 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. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note CE/RD 2-2, RDO, HyD's comments that part of the Site falls within the administrative route protection boundary of the proposed Northern Link (NOL) bifurcation to Lok Ma Chau. 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 is reminded of the above when planning its land use application;
- (e) to note D of FS's comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. 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;

- (f) to note CTP/UD&L, PlanD's comments that 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. 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);
- (g) to note CE/C, WSD's comments that existing water mains will be affected. A Waterworks Reserve within 1.5metres from the centreline of the water mains shall be provided to WSD. 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. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main. 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;
- (h) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD. 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;
- (i) to note DEMS' comments that there is a high pressure town gas pipeline running along Castle Peak Road – Chau Tau 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. 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);
- (j) to note DLCS' comments that the applicant is reminded that (i) from tree preservation

point of view, every possible effort should be made to preserve the existing trees within the Site and outside the southern boundary of the Site 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; 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 to minimize potential environmental impacts on the surrounding area.

