

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/527

- Applicant** : Mr. CHONG Tsz Long represented by Goldrich Planners & Surveyors Limited
- Site** : Lots 56 RP, 165 RP, 166 RP and 167 S.B RP in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 2,555.8m² (including about 181.1m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Residential (Group D)” (“R(D)”)
- Application** : Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years (**Plan A-1a**). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site (in whole or in part) is the subject of 7 previously approved applications (Nos. A/YL-ST/97, 119, 189, 309, 375, 418 and 475) mainly for temporary goods/container vehicle parks with ancillary repair area (**Plan A-1b**). The last Application No. A/YL-ST/475 submitted by a different applicant for the same applied use was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 4.9.2015 for a period of 3 years until 4.9.2018. The application was revoked on 4.2.2018 as the applicant had failed to comply with the approval condition requiring the provision of fire service installations (FSIs). All other approval conditions, including those in

relation to the maintenance of existing trees, paving, boundary fencing and drainage facilities, submission of as-built drainage plans and photographic records of existing drainage facilities and submission of FSIs proposals, had been complied with.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible from the northwest via a local track off Shek Wu Wai Road leading to Castle Peak Road – San Tin and San Tin Highway. In support of the application, the applicant has submitted a drainage proposal (**Drawing A-2**). A comparison of the proposed development parameters of the current and last application are summarized below:

Major Development Parameters	Previous Approval (A/YL-ST/475) (a)	Current Application (A/YL-ST/527) (b)	Difference (b) - (a)
Development / use	Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years	Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years	Same
Site Area	About 3,060m ² (including about 690m ² of GL)	About 2,555.8m ² (including about 181.1m ² of GL)	About -504.2m ² (about -508.9m ² of GL)
Structures	16	13	-3 structures
Building Height	1 to 2-storeys (2.6m - 7m)	1 to 2-storeys (2.6m - 7m)	Same
Total Floor Area	606.69m ²	656.93m ²	+47.24m ²
No. of Parking Spaces for Container and Heavy Goods Vehicle	4 Container Vehicle Parking Spaces 3 Goods Vehicle (lorry) Parking Spaces	3 Container Vehicle Parking Spaces 3 Goods Vehicle Parking Spaces	-1 Container Vehicle Parking Space
Operation Hours	7 a.m. to 11 p.m. from Monday to Saturday 11 a.m. to 6 p.m. on Sundays and public holidays	7 a.m. to 11 p.m. from Monday to Saturday 11 a.m. to 6 p.m. on Sundays and public holidays	Same

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

- (a) Application Form received on 8.6.2018 **(Appendix I)**
- (b) Further Information received on 19.6.2018 clarifying the **(Appendix Ia)**

floor area of the kitchen (*accepted and exempted from publication and recounting requirements*)

2. Justifications from the Applicant

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

- (a) The proposed car park will provide parking spaces and tyre repairing services for the goods vehicles and container vehicles across the border. It will also provide job opportunities to nearby residents.
- (b) The Site is subject of 7 previous applications (Nos. A/YL-ST/97, 119, 189, 309, 375, 418 and 475). The last Application No. A/YL-ST/475 was approved for the same use but was revoked on account of the previous applicant's failure to provide FSIs on site. The current applicant is willing to implement FSIs to the satisfaction of the relevant departments.
- (c) No adverse traffic, drainage and landscape impacts are anticipated.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the 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) by posting site notice and sending notice to the San Tin Rural Committee through registered post. Detailed information would be deposited at the meeting for Members' inspection. For the GL, the "Owner's Consent/Notification" Requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E)

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) provides guidelines for open storage and port back-up uses. The Site falls within Category 2 areas under the guidelines. The following criteria are relevant.

Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

5. Background

The Site is not subject to any enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of 7 previous applications (Nos. A/YL-ST/97, 119, 189, 309, 375, 418 and 475). All applications were approved by the Committee (**Plan A-1b**).
- 6.2 Application No. A/YL-ST/97 submitted by a different applicant for temporary container tractor/trailer park with ancillary repair area was approved by the Committee on 10.9.1999 for a period of 12 months mainly on the consideration that the proposed development was not incompatible with the adjacent open storage uses and container trailer parks. Favourable consideration was given to the site as an interim arrangement to alleviate the acute shortage of port back-up land in the area.
- 6.3 Application No. A/YL-ST/119 submitted by a different applicant for temporary parking of container vehicles, open storage of construction materials and ancillary container vehicle workshop was approved by the Committee on 14.4.2000 for a period of 3 years mainly on the consideration that the proposed development was not incompatible with the surrounding open storage and port back-up uses. Favourable consideration was given to the site as an interim arrangement to alleviate the acute shortage of open storage and port back-up land in the area.
- 6.4 Application No. A/YL-ST/189 submitted by a different applicant for temporary container tractor and trailer park with a canteen and a tyre repair workshop was approved by the Committee on 1.3.2002 for a period of 3 years mainly on the consideration that the proposed development was not incompatible with the surrounding land uses and previous planning approvals for similar use on the site had been given.
- 6.5 Applications Nos. A/YL-ST/309 and 375 submitted by the different applicants for the same applied uses were approved by the Committee on 28.4.2006 and 18.9.2009 respectively for periods of 3 years mainly on the consideration that the proposed developments were considered not incompatible with the surrounding land uses and previous planning approvals for similar use on the site had been given.
- 6.6 Applications Nos. A/YL-ST/418 and 475 submitted by different applicants for the same applied uses were approved by the Committee on 7.9.2012 and 4.9.2015 respectively for periods of 3 years up to 18.9.2015 and 4.9.2018 mainly on the consideration that the proposed development was considered in line with the TPB Guidelines No. 13E; the developments were considered not incompatible with the surrounding land uses; and previous planning approvals for similar uses on the Site had been given. The last application No. A/YL-ST/475 was revoked on 4.2.2018 as the applicant had failed to comply with the approval condition requiring the provision of FSIs. All other approval conditions, including those in

relation to the maintenance of existing trees, paving, boundary fencing and drainage facilities, submission of as-built drainage plans and photographic records of existing drainage facilities and submission of FSIs proposals, had been complied with.

- 6.7 Details of these previous applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 Since 2008, there are 15 applications for similar parking uses within the same “R(D)” zone on the OZP (**Plan A-1a**). All the applications were approved by the Committee mainly on the consideration that the developments were in line with TPB PG-No. 13E, not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “R(D)” zone.

- 7.2 Details of these 15 applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:

- (a) accessible from the northwest via a local track off Shek Wu Wai Road leading to Castle Peak Road – San Tin and San Tin Highway;
- (b) currently used for the applied use without valid planning permission; and
- (c) located outside the Wetland Buffer Area (**Plan A-1a**).

- 8.2 The surrounding areas are mainly parking of vehicle, vehicle repair workshop, storage yards and port back-up facilities. Some storage yards, vehicle parks and vehicle repair workshop are suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to the immediate north is Castle Peak Road – San Tin. To the further north across Castle Peak Road – San Tin are a logistics centre with ancillary container vehicle park, vehicle repair workshop and car beauty service approved under Application No. A/YL-ST/512 within the “R(D)” zone, vacant land and an open storage yard of construction machinery, residential dwellings, parking of vehicles and vehicle repair workshops within the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone;
- (b) to the immediate west are a culvert and Shek Wu Wai Road. To the further west across Shek Wu Wai Road are open storage yard of construction machinery approved under Application No. A/YL-ST/493, open storage of vehicles and storage of vehicle parts approved under Application No.

A/YL-ST/524, open storage and retail shop of vehicle parts and accessories approved under Application No. A/YL-ST/511, a latrine, a refuse collection point, parking of vehicles, parking of container vehicles, residential dwellings, vegetable marketing co-operative societies, unused land and vacant land;

- (c) to the south is San Tin Highway; and
- (d) to the east are parking of lorry crane for sale approved under Application No. A/YL-ST/478, public vehicle park approved under Application No. A/YL-ST/526, parking of vehicles with warehouse and workshop, open storage of vehicles, amenity area, and vacant land.

9. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized 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 private land of Lot Nos. 165 RP, 166 RP and 167 S.B RP in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3775, 4521 and 4522 respectively to permit structures for the purpose of “Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office”.
- (c) The GL of the Site is covered by Short Term Tenancy (STT) No. 2978 for the purpose of “Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office”.

- (d) The Site is accessible to Shek Wu Wai Road through 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.

Traffic

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

He has no objection to the application from traffic engineering point of view.

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

- (a) The proposed access arrangement of the Site from Shek Wu Wai Road should be commented by the Transport Department.
- (b) His department does not and will not maintain any access connecting the Site and Shek Wu Wai 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.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The Site neither falls within any administrative route protection boundary, gazette railway schemes, nor railway protection boundary of heavy rail systems. As such, he has no comments on the application from railway development viewpoint.

Environment

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

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as the proposed use will generate traffic of heavy vehicles and the Site is within 100m from the nearest sensitive use (i.e. residential dwellings at about 39m northeast of the Site) and environmental nuisance is expected (**Plan A-2**).
- (b) There was no environmental complaint related to the Site in the past 3 years.
- (c) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.

Nature Conservation

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

As the proposed development involves continuation of the existing use in the Site as previously approved, he has no comment on the application from nature conservation point of view. Nevertheless, should the application be approved, the applicant is advised to adopt good site practices and necessary measures to avoid causing water pollution to the nearby watercourse.

Fire Safety

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) 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 on the following points:
 - (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.
- (c) 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.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application.
- (c) Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the BA 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.
- (d) 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.
- (e) If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (f) 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 respectively.
- (g) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under

Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

Drainage

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The drainage proposal attached to the application is considered unacceptable. In this respect, 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 & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). 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.
- (c) After completion of the required drainage works, the applicant shall provide a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) He has checked that the Site partly encroaches onto his Drainage Reserve Areas (DRA). The applicant should note that no building or structure or support or foundation for any building or structure shall be erected or constructed on, over, above, under, below or within the DRA.
- (e) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (f) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.

- (g) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (h) 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.
- (i) 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.

Landscape

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

Given there are existing trees within the Site, should the Board approve the application, the following approval condition is suggested:

The existing trees within the Site should be maintained at all times during the approval period.

Others

10.1.11 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 this 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.

10.1.12 Comments of the Commissioner of Police (C of P):

- (a) He has no comment in principle subject to no activities in any form, whatsoever associated with Parallel Trading/ General Merchandize Operations (GMO) activities and illicit refueling activities.
- (b) The applicant is advised that no illegal vehicle parking at the public roads near the Site should be allowed.

District Officer's Comment

10.1.13 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 shall be submitted to the Board direct, if any.

10.2 The following Government department has no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (e) Director of Leisure and Cultural Services (DLCS).

11. Public Comment Received During Statutory Publication Period

On 15.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 6.7.2018, one comment was received from a member of the public objecting to the application on the grounds that the development is an inefficient use of land (**Appendix IV**).

12. Planning Considerations and Assessments

12.1 According to the TPB PG-No. 13E, the Site falls within Category 2 areas. The following criteria are relevant:

Category 2 areas: technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

- 12.2 The Site falls within the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Although the applied use for temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office is not in line with the planning intention of the “R(D)” zone, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there is no immediate development proposal for the Site. The applied use is not incompatible with the surrounding land uses, comprising mainly parking of vehicle, storage yards and port back-up facilities.
- 12.3 The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 2 areas where 7 previous planning approvals for similar applied uses had been granted. The last Application No. A/YL-ST/475 submitted by a different applicant for the same applied use was approved by the Committee on 4.9.2015 for a period of 3 years up to 4.9.2018. However, the permission was revoked on 4.2.2018 as the previous applicant had failed to provide FSIs. All other approval conditions, including those in relation to the maintenance of existing trees, paving, boundary fencing and drainage facilities, submission of as-built existing drainage plans and photographic records of drainage facilities and submission of FSIs proposals, had been complied with. As compared with the previous application, the current application is for the same use but with a different layout and is submitted by a different applicant.
- 12.4 Concerned Government departments, including C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraph 13.2 (f) to (i) below. DEP does not support the application as there are residential dwellings within 100m from the boundary of the Site (i.e. the nearest dwelling is at about 39m northeast of the Site). Nevertheless, the dwelling is separated from the Site by Castle Peak Road - San Tin, and there was no environmental complaint related to the Site in the past 3 years. To mitigate any potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and vehicle to be parked/stored on site, and requiring maintenance of existing trees, paving and boundary fencing are recommended in paragraphs 13.2 (a) to (e) 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 Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.
- 12.5 The Site is subject of 7 previously approved applications for similar applied uses. Since 2008, the Committee has also approved a total of 15 applications for similar parking use within the same “R(D)” zone. Approval of the current application is in line with the previous decisions of the Committee.

- 12.6 One objecting public comment was received during the statutory publication period, mainly raising concern that the proposed use is an inefficient use of land. 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 comment mentioned in paragraph 11 above, the Planning Department considers that the temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office could be tolerated for a 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 until 3.8.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the site during the planning approval period;
- (b) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation between 6:00 p.m. and 11:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) the existing trees within the site should be maintained at all times during the approval period;
- (f) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.2.2019;
- (g) in relation to (f) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.5.2019;
- (h) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.2.2019;

- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.5.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) 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; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the occupation of the Site for the temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office is not in line with the planning intention of the "R(D)" zone. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

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 8.6.2018

Appendix Ia	Further Information received on 19.6.2018
Appendix II	Previous s.16 applications covering the application site
Appendix III	Similar s.16 applications within “R(D)” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
Appendix IV	Public comment received during statutory publication period
Appendix V	Recommended advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4d	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**