

RNTPC Paper No. A/YL-ST/555
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/555

- Applicant** : Fortune Nine (HK) Company Limited represented by Top Bright Consultants Limited
- Site** : Lot 674 S.C RP (Part) in D.D. 99, Lots 3060 RP, 3060 S.A, 3060 S.B, 3060 S.C (Part), 3060 S.E (Part), 3060 S.F, 3060 S.G, 3061 (Part), 3062, 3064 RP, 3064 S.A, 3064 S.B, 3064 S.C, 3064 S.D (Part) , 3064 S.E, 3065, 3067 RP, 3067 S.A, 3067 S.B and 3067 S.C in D.D. 102, and adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 5,475 m² (including about 713 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without prior approval of the Government)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Public Vehicle Park (Private Cars Only) 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 public vehicle park (private cars only) for a period of 3 years. According to the Notes for “V” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ use is a Column 2 use which requires planning permission from the Town Planning Board (the Board). 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 11 approved previous applications for temporary public vehicle park use. The last Application No. A/YL-ST/491 submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 12.8.2016 for a

period of 3 years from 17.8.2016 to 16.8.2019 (**Plan A-1b**). All approval conditions have been complied with. The planning permission lapsed on 17.8.2019.

- 1.3 As shown on the layout plan at **Drawing A-1** and on **Plans A-1a** and **A-2**, the Site is accessible at the northeast off Tung Wing On Road leading to Castle Peak Road – San Tin. The applicant has also submitted landscape and tree preservation proposal in support of the application (**Drawing A-2**). The major parameters and site layout of the current application are largely similar to those of the last approved Application No. A/YL-ST/491 and they are summarized below:

Major Development Parameters	Last Application (No. A/YL-ST/491)	Current Application (No. A/YL-ST/555)	Difference
Site Area	about 5,669 m ² (including about 743 m ² of GL)	about 5,475 m ² (including about 713 m ² of GL)	-194 m ²
No. of Structure(s)	9 for shelters and site office	13 for shelters, toilet, meter room and site office	+4
Total Floor Area	1,189 m ²	1,372 m ²	+183 m ²
Height of Structures	2 storeys (2.4 - 4.8 m)	1 - 2 storeys (2.4 - 5 m)	-
No. of Parking Spaces:	143 (private car parking spaces for public)	142 (private car parking spaces for public)	-1
Operation Hours	24 hours	same	-

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 11.7.2019 **(Appendix I)**
 - (b) Planning Statement **(Appendix Ia)**
 - (c) Letter received on 21.8.2019 providing consent of landowners not to develop the Small Houses at the Site in the coming three years **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Chapter 6 of Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The applied development could help meet the demand for cross-boundary parking facilities and the need of local villagers and support the local economy, and is therefore in line with the planning intention of the “V” zone. The applied use is compatible with the surroundings with public car parks, village type houses, open storage, port back-up uses and cross boundary shopping centre.

- (b) The Board had approved 9 previous applications for the same applied use at the Site. The development parameters and planning circumstances for the current application are similar to the last approved Application No. A/YL-ST/491. All approval conditions of the last approved application have been complied with. Applications of similar uses have been approved in the same “V” zone indicating that the subject area is not unsuitable for such uses on a temporary basis.
- (c) The proposed use is not expected to generate any additional traffic or involve heavy vehicles. Adverse traffic, drainage or environmental impacts on the surroundings are also not envisaged.
- (d) The applicants of the Small House developments on Lots No. 3064 S.B, 3064 S.C, 3064 S.D, 3067 S.A, 3067 S.B and 3067 S.C in D.D. 102 do not object to the current application (**Appendix Ib**) and confirmed that they would not commence the Small House developments in the coming 3 years.

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 notice and sending notice to the San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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

- 4.1 According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized 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.

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)

- 4.2 According to TPB PG-No.13E, the Site falls within Category 4 areas. While the applied use is not for open storage and port back-up uses, the Guidelines has made special reference to cross-boundary car parking facilities in the San Tin Area. The following criteria are relevant:

Taking into account the increasing demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Applications of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of 19 previous applications with 11 approved and 8 rejected. Among them, 9 applications (Nos. A/YL-ST/16, 34, 41, 57, 104, 126, 153, 203 and 222) were for temporary container tractor/trailer park/temporary weighing station and 10 applications (Nos. A/YL-ST/225, 270, 276, 288, 349, 356, 397, 398, 436 and 491) were for temporary public car park (**Plan A-1b**).

Temporary Container Trailer/Vehicle Park/Weighing Station

- 6.2 Applications Nos. A/YL-ST/57 and 104 for container vehicle/trailer parks were approved by the Committee in 1998 and 1999 respectively both for 12 months, mainly on the consideration that the temporary nature of the application would not affect the long term provision of land for Small House and the development was not incompatible with the surrounding land uses.
- 6.3 Applications Nos. A/YL-ST/16, 34, 41, 126, 153, 203 and 222 for temporary container trailer/vehicle parks or weighing station were rejected by the Committee between 1996 and 2002 or by the Board upon review in 2003 respectively, mainly for the reasons that the developments were not in line with the planning intention of the “V” zone and/or there were programmes for Small House development within the Site.

Temporary Public Vehicle Park

- 6.4 Applications Nos. A/YL-ST/225, 276, 288, 349, 356, 397, 398 and 436 for the same public vehicle park use were approved by the Committee between 2003 and 2013 for periods from 12 months to 3 years mainly on the reasons that the developments were not incompatible with the surrounding land uses, could satisfy some of the parking demand arising from villagers and cross-boundary travellers in the area, would not cause adverse impact on the surroundings and concerns of relevant Government departments could be addressed by imposing approval conditions. However, Applications Nos. A/YL-ST/288 and 398 were subsequently revoked in 2006 and 2013 respectively due to non-compliance with approval conditions.
- 6.5 Application No. A/YL-ST/270 for public car park was rejected by the Committee on 30.7.2004 mainly for the reasons that the development was not in line with the planning intention of the zone; the assessments had not demonstrated that the applied development would have insignificant adverse impacts and there was programme for Small House development within the Site.
- 6.6 The last Application No. A/YL-ST/491 submitted by the same applicant for renewal of planning approval under Application No. A/YL-ST/436 was approved by the Committee on 12.8.2016 for a period of 3 years from 17.8.2016 to 16.8.2019, mainly on the consideration that the applied development was considered not incompatible with the surrounding land uses; could satisfy some of the parking demand for cross-boundary travelers in the area; there had been no major change in planning circumstance since the last planning permission was granted; all the approved conditions under the last planning permission had been complied with; and the temporary use for another three years would not jeopardize the long-term planning intention of the “V” zone.
- 6.7 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 Since 2009, there are 19 applications covering 12 application sites for similar public vehicle park use within the same “V” zone on the OZP, in which 4 applications (Nos. A/YL-ST/514, 536, 537 and 541) are in the vicinity of the Site (**Plan A-2**). All applications were approved by the Committee, mainly on the consideration that the developments were not incompatible with the surrounding land uses, previous planning approvals on the sites had been given and the planning applications were in line with the TPB PG-No. 13E.
- 7.2 Details of these 19 applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Castle Peak Road – San Tin via Tung Wing On Road; and
- (b) located within the WBA of Deep Bay.

8.2 The surrounding areas are predominated by public vehicle parks, village houses, residential dwellings, shops and services uses and shopping centre. Some vehicle parks, shops and storage yard are suspected unauthorized developments (UD) subject to enforcement action by the Planning Authority:

- (a) to the east are village houses, residential dwellings, shops, vacant land, a temporary public vehicle park for private car approved under Application No. A/YL-ST/537 and a temporary shop and services use approved under Application No. A/YL-ST/521;
- (b) to the south across a local track are some vacant land, village houses (some under construction), residential dwellings, storage yard and a temporary public car park approved under Application No. A/YL-ST/541;
- (c) to the west are village houses (some under construction), vacant land, and two temporary public vehicle parks approved under Applications Nos. A/YL-ST/514 and 536; and
- (d) to the north across Tung Wing On Road are vacant land and The Boxes, a temporary cross-boundary shopping centre approved under Application No. A/YL-ST/529, and a temporary shop and services use approved under Application No. A/YL-ST/533.

9. Planning Intention

The planning intention of “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to 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 Scheduled 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 the following lots are covered by Short Term Waivers (STWs) as below table:

<u>STW No.</u>	<u>Lot No. (in D.D. 102)</u>	<u>Purposes</u>
3909	674 S.C RP (previously known as 674 RP)	Temporary Public Vehicle Park (Private Cars Only)
3910	3061	
3911	3064 S.A, 3064 S.B, 3064 S.C, 3064 S.D, 3064 S.E & 3064 RP previously known as 3064)	
3912	3065	
3913	3067 S.B & 3067 S.C	

- (c) The GL of the Site is covered by Short Term Tenancy (STT) No. 2861 for the purpose of “Temporary Public Vehicle Park (Private Cars Only)”.
- (d) The Site is accessible from Tung Wing On Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject planning application, the STT/STW holders will need to apply to his office for modification of STT/STW conditions where appropriate. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity on Site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are

approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

- (g) According to his record, there are 5 Small House applications under processing at the Site.

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 subject to the inclusion of the following condition:

The applicant should maintain buffering space fronting Tung Wing On Road to avoid queuing on Tung Wing On Road.

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

- (a) The access arrangement to the Site from Tung Wing On Road should be commented by Transport Department (TD).
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Tung Wing On Road. The relevant department will provide their comments, if any.
- (c) Adequate drainage measures should be provided at the Site access to prevent water flowing from the Site to nearby public roads or exclusive road drains.

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

- (a) The Site falls within the area of influence (AOI) for the possible long term extension of the proposed Northern Link (NOL) to Lok Ma Chau. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and nuisance such as noise and vibration of the proposed NOL.
- (b) He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.

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

He has no objection to the application from a policing point of view and no condition is recommended for the application.

Environment

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

- (a) In accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he has no objection to the application.
- (b) There was no environmental complaint related to the Site in the past 3 years.

Nature Conservation

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

He has no comment on the application from nature conservation point of view as the Site is paved and disturbed.

Fire Safety

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

- (a) He has no objection in principle to the application subject to fire service installations (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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the application.
- (d) For UBW erected on leased land, enforcement action may be taken by the BD 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) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Drainage

10.1.10 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 application is related to previous planning Application No. A/YL-ST/491 with different lot boundary. In this respect, the application should be regarded as a new case. The applicant shall submit a drainage submission to demonstrate how he will collect,

convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). 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 DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (e) The applicant is reminded that the drainage proposal/works as well as the Site boundary should not cause encroachment upon areas outside his jurisdiction.
- (f) No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (g) The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future.
- (h) 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 works on site under proper maintenance at all times.

Landscape

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

In view that the Site is not located at landscape sensitive areas and the application is unlikely to cause adverse visual and landscape impacts, landscape condition is not recommended, should the application be approved by the Board.

Others

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

If the application involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

10.1.13 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 1.5 metres from the centerline of the water mains shall be provided to his department. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of his department or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main.
- (d) 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.

District Officer's Comment

10.1.14 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 directly, if any.

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

- (a) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) (H(GEO), CEDD);
- (b) Project Manager (West) (PM(W)), CEDD;
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Director of Leisure and Cultural Services (DLCS).

11. Public Comments Received During Statutory Publication Period

On 19.7.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.8.2019, one public comment was received from a member of the public raising concern that the proposed

use was an inefficient use of precious land resources and suggesting stacked facilities to be used to better utilize the Site (**Appendix IV**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary public vehicle park (private cars only) for a period of 3 years. The Site falls within “V” zone which is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land, and provision of infrastructures and services. The applied use is not entirely in line with the planning intention of the “V” zone. However, it could meet some of the local parking demand in the vicinity. Although DLO/YL of LandsD comments that there are 5 Small House applications under processing within the Site, all the 5 applicants confirmed that they would not commence the construction of their Small Houses in the coming three years, should the Small House applications be approved, and support the current planning application (**Appendix Ib**). In this regard, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “V” zone as there is no immediate development programme for the Site.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominated by public vehicle parks, village houses, residential dwellings, shops and services uses and shopping centre.
- 12.3 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no comment on the application from nature conservation point of view as the Site is paved and disturbed.
- 12.4 The application is in line with the TPB Guidelines PG-No. 13E which mentions that suitable sites in San Tin area may be considered for cross-boundary parking facilities based on individual merits. The Site is located in the vicinity of the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers.
- 12.5 Adverse environmental, traffic and infrastructural impacts on the surrounding areas are not anticipated. Concerned Government departments, including DEP, 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 environmental, traffic, fire safety, drainage and landscape aspects respectively. There was no environmental complaint related to the Site in the past 3 years. To mitigate potential impacts on the surrounding areas, approval conditions restricting the type of vehicles, and requiring the provision of boundary fencing, submission and implementation of drainage proposal and FSIs and maintenance of implemented drainage facilities are recommended in paragraphs 13.2 (a) to (j) 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”.

- 12.6 The Site (in whole or in part) is the subject of 11 approved previous applications (Nos. A/YL-ST/57, 104, 225, 276, 288, 349, 356, 397, 398, 436 and 491) for temporary public vehicle park use on the same Site. The last application (No. A/YL-ST/491) submitted by the same applicant was approved by the Committee on 12.8.2016 for a period of 3 years and all approval conditions have been complied with. Since 2009, the Committee has approved a total of 19 applications for similar public vehicle park uses within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 There is one public comment received from a member of the public raising concern on inefficient use of land resources. The planning assessments and departmental comments 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, the Planning Department has no objection to the application.
- 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 6.9.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;
- (d) buffering space fronting Tung Wing On Road to avoid queuing on Tung Wing On Road shall be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services

or the TPB by 6.3.2020;

- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or the TPB by 6.6.2020;
- (g) in relation to (f) above, the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (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 TPB by 6.3.2020;
- (i) in relation to (h) above, the implementation 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 TPB by 6.6.2020;
- (j) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (l) if any of the above planning conditions (e), (f), (h), (i) or (j) 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.

Advisory clauses

The recommended advisory clauses are attached 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 parking of private cars is not in line with the planning intention of the "V" zone, which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within "V" zone is primarily intended for development of small houses by indigenous villagers. No strong planning justification has been given in the submission for 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 11.7.2019
Appendix Ia	Planning Statement
Appendix Ib	Letter received on 21.8.2019 providing consent of landowners not to develop the Small Houses at the Site in the coming three years
Appendix II	Previous s.16 applications covering the Site
Appendix III	Similar s.16 applications within “V” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
Appendix IV	Public comment received during the publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos