

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

APPLICATION NO. A/YL-ST/568

- Applicant** : Fu Hop Yick Company Limited represented by Lanbase Surveyors Limited
- Site** : Lots 253, 254, 255, 256, 257, 258, 259, 260, 261 (Part), 262 (Part), 264 (Part), 265, 266, 267, 268, 270, 279 S.B RP (Part), 280 and 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 18,808 m² (including about 1,248 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Undetermined” (“U”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen), storage of metalware and construction material, and cargo handling and forwarding facilities for a period of 3 years. The application site (the Site) falls within an area zoned “U” on the Approved San Tin OZP No. S/YL-ST/8 (**Plan A-1**). According to the covering Notes of the OZP, any use or development in the “U” zone, except those specified as always permitted under the covering Notes, requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use under the approved application.
- 1.2 The Site (in whole or in part) is the subject of 10 previously approved applications, all for container vehicle parks and/or open storage of containers or storage uses (**Plan A-1b**). The last approved application is Application No.

A/YL-ST/501 submitted by the same applicant and approved by the Rural and New Town Planning Committee (the Committee) of the Board on 17.3.2017 for a period of 3 years until 4.4.2020. All approval conditions had been complied with.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plans A-1a and A-2**, the Site is accessible at the southeast via a local track off Lok Ma Chau Road leading to Castle Peak Road – Chau Tau. The major parameters of the current application are the same as the last approved Application No. A/YL-ST/501. They are summarized below:

No. of structures (Building Height, No. of Storeys)	14 (2.6m to 7.62m, 1 to 2 storey(s))
Total floor area	2,945.4m ²
No. of parking spaces	18 (container vehicles) 7 (heavy goods vehicles) 45 (private cars)
Operation Hours	7:00a.m. to 11:00p.m. from Monday to Sunday including public holidays for parking of container vehicles and heavy goods vehicles, vehicle repairing activities, and cargo handling and forwarding services; and 24 hours a day from Monday including Sunday including public holidays for parking of private cars and storage of metalware and construction material.

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

- (a) Application Form with Supplementary Information **(Appendix I)**
received on 4.2.2020
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 22.4.2020 in **(Appendix Ib)**
response to comments of Commissioner for Transport
(C for T)
(exempted from publication)

- 1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 3.4.2020 (the previous application was valid up to 4.4.2020) for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) The subject “U” zone is reserved for the Spur Line and the proposed Northern Link (NOL) railway system. Since relevant land had been resumed and cleared and the remaining land of the subject zone is under review, approval for the applied use on the Site on a temporary basis will not prejudice the long term planning of the area.
- (b) The Site is located close to strategic road networks and is only about 350 m away from the Lok Ma Chau Border Crossing. In fact, many sites near the Lok Ma Chau Control Point have been converted to container vehicle parks and other relevant port back-up uses to meet the high demand for the cross-border activities in Lok Ma Chau. The applied use is therefore suitable for the Site and compatible with the surrounding uses in the area.
- (c) The Site was granted with planning permissions for similar uses or same uses under 10 previously approved planning applications. The use, parking facilities, layout and site conditions under the current application would be identical to those under the last Application No. A/YL-ST/501. All approval conditions of Application No. A/YL-ST/501 had been complied with. Favourable consideration should be given to the application.
- (d) There are planning permissions for similar temporary vehicle parks and other port back-up uses in San Tin in the past 12 months.
- (e) The Site has been used for similar uses in the past. No additional traffic, drainage and environmental impacts are anticipated.

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

The applicant is not the “current land owner” of the private land of the Site 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 sending notice to San Tin Rural Committee and publishing newspaper notice. Detailed information would be deposited at the meeting for Members’ inspection. The requirement is not applicable to the GL portion of the Site.

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. 13F)

- 4.1 The Site falls within Category 1 areas under the TPB PG-No. 13F. The following criteria are relevant:

Category 1 areas: considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be

submitted if the proposed uses, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant environmental and traffic concerns.

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. 34C)

- 4.2 According to TPB PG-No. 34C, 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 planned 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)

- 4.3 According to TPB PG-No. 12C, 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;
 - (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; and
 - (c) open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

6.1 The Site (in whole or in part) is the subject of 10 previous applications for container vehicle park with or without storage uses and/or cargo handling and forwarding facilities which were all approved (**Plan A-1b**). Amongst them, four were approved with conditions by the Committee between 1993 and 1999 for temporary periods of three years mainly on the grounds that the developments were not incompatible with the surrounding land uses; and the concerns of Government departments could be addressed by imposing approval conditions.

6.2 The remaining 6 applications submitted by the same applicant as the current one for similar applied use were approved with conditions by the Committee between 2003 and 2017 for temporary periods of 3 years mainly on similar grounds as stated in paragraph 6.1 above. However, two planning permissions (Applications No. A/YL-ST/239 and 316) were revoked in 2006 and 2007 respectively due to non-compliance with approval conditions. All approval conditions of the last approved application (No. A/YL-ST/501) had been complied with.

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

7. Similar Applications

7.1 Since 2010, there are 20 similar applications for similar uses within the same “U” zone on the OZP. 19 applications were approved by the Committee between 2011 and 2020 mainly on the grounds that the applied uses were not incompatible with the surrounding land uses; and the concerns of Government departments could be addressed by imposing approval conditions. The remaining application No. A/YL-ST/417 (mainly within “Green Belt” (“GB”) and partly within “U” zone) was rejected by the Board on review mainly for the reason that the development was not in line with the planning intention of the “GB” zone, and the applicant had failed to provide strong planning justification for departing from the planning intention, even on a temporary basis.

7.2 Details of the 20 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-4c)

8.1 The Site is:

- (a) accessible at the southeast of the Site via a local track off Lok Ma Chau Road leading from Castle Peak Road – Chau Tau;

(b) located within the WBA of Deep Bay Area.

8.2 The surrounding areas are predominated by open storage yards, vehicle parks, vehicle repair workshop and vacant and unused land. Some vehicle repair workshop and open storage yards are suspected unauthorized developments subject to enforcement action by the Planning Authority:

(a) to its east and northeast are public car parks and/or open storage yards under approved applications. To its further east across Lok Ma Chau Road is a plant nursery, vacant and unused land in “Green Belt” (“GB”) zone;

(b) to its immediate north is a vehicle repair workshop; and further north is a knoll zoned “GB”;

(c) to its west are a pond and an open storage yard for power cable. To its further west and southwest across MTR East Rail Line is San Sham Road; and

(d) to its south across a nullah are a vehicle park and open storage yard under an approved application and an open storage yard for construction machinery.

9. Planning Intention

The area to the east of San Sham Road zoned “U” is for the Lok Ma Chau Spur Line and the proposed NOL railway system and a review on the future use of the area will be made taking into account the finalized Spur Line as well as the proposed NOL rail alignments. Under the “U” zone, any developments or redevelopments, except those permitted under the covering Notes of the OZP, require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, Government, Institution or Community (GIC) facilities, open space would be adequately provided.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application 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 GL and 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) A portion of GL with an area of about 593m² of the Site is covered by a Short Term Tenancy (STT) No. 2889 for the purpose of “Temporary Public Vehicle Park (including Private Cars, Container

Vehicles and Heavy Goods Vehicles) and Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities”.

- (c) No permission is given for occupation of the remaining GL with an area of about 655m² (subject to verification) included in the Site. The act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (d) The private land of the following lots are covered by Short Term Waivers (STWs):

STW No.	Lot No. (in D.D. 99)	Purposes
3550	256	Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material
3551	257	
3552	253	
3553	255	
3554	280	
4044	372 S.D RP & 743 RP	Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services, and Ancillary Offices Site
4284	254	Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices, and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities
4285	258	
4286	266	
4287	372 S.D RP	
4534	372 S.D RP	

		Lok Ma Chau-Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (including a Refreshment Kiosk)
--	--	--

- (e) Should planning approval be given to the application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Moreover, the owner 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. Applications for any of the above 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 applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

Traffic

10.1.2 Comments of the C for T:

- (a) With reference to the FI provided, he has no adverse comment on the application from traffic engineering point of view.
- (b) The Site is connected to Lok Ma Chau Road via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site to the public road at any time during the planning approval period.

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

- (a) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Lok Ma Chau Road.

- (b) Adequate drainage measures should be provided at the site access to prevent surface 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/RD 2-2, RDO, HyD):

- (a) The Site falls within the protection boundary of the East Rail Line (ERL) (**Plan A-2**). As the operation of the existing railway system is not under the jurisdiction of his office, he has no comment on the subject in this aspect. However, with reference to the procedures in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers Administration-2 (PNAP ADM-2), the applicant should consult MTR Corporation Limited with respect to operation maintenance, safety and future construction of the existing railway system accordingly.
- (b) The Site also falls within the administrative route protection boundary of the NOL to Lok Ma Chau (**Plan A-1a**), which the proposed NOL is a recommended railway scheme under the possible bifurcation of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the possible bifurcation of the NOL and subject to nuisance, such as noise and vibration of the possible bifurcation 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 the possible bifurcation of the NOL.

Environment

10.1.5 Comment 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 comment on the application.
- (b) 1 non-substantiated complaint on waste related to the Site was recorded in the past 3 years.

Nature Conservation

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

He has no strong view on the application as it involves continuation of the same applied uses in the same Site as previously approved.

Landscape

10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape,

Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application from the landscape planning perspective.
- (b) The Site, located to the northeast of San Shan Road and west of Lok Ma Chau Road, falls within an area zoned “U” on the OZP. The Site is involved in 10 previous planning applications. The last application No. A/YL-ST/501 for the same use with the same area, to which he had no objection to, was approved by the Committee on 17.3.2017 valid till 4.4.2020. All the approval conditions had been complied with.
- (c) With reference to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The surrounding area of the Site is comprised of dense woodland to the north and northeast, car parks and storage to the immediate south, clustered tree groups to the east, and agriculture land to further east of the Site. The applied use is considered not incompatible with existing landscape setting in the proximity.
- (d) With reference to the aerial photo taken in 2018, the Site was hard paved and the applied use was in operation. Further significant adverse landscape impact arising from the continued use of vehicle park and storage is not anticipated.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of the D of FS.
- (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. In addition, 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.

Buildings Matters

10.1.9 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.
- (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 BO and should not be designated for any approved use under the application.
- (c) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (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) He notes that the applicant implemented drainage facilities on site under previous planning application No. A/YL-ST/501. The relevant drainage proposal and implementation works were considered satisfactory at that time. The applicant should provide DSD a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with

the corresponding photograph locations marked clearly on the approved drainage plan. The photos included in the Planning Statement (**Appendix Ia**) by the applicant is considered insufficient for the purpose.

- (c) His detailed comments are at **Appendix V**.

Water Supply

10.1.11 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. The applicant shall bear the cost of any necessary diversion works affected by the proposed development.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve with 1.5m measuring from the centerline of the affected water mains shall be provided to the satisfaction of WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. No trees/shrubs shall be planted within the waterworks reserve.
- (d) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize.
- (e) The 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.
- (f) Fresh water from Government mains shall not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes may be given on concessionary supply basis if an alternative supply is impracticable and evidence to that effect is offered to and accepted by the Water Authority. Such permission will be withdrawn if in the opinion of the Water Authority the supply situation requires it.

District Officer's Comments

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

He 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) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (c) Commissioner of Police (C of P);
- (d) Director of Food and Environmental Hygiene (DFEH);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Director of Leisure and Cultural Services (DLCS).

11. Public Comment Received During Statutory Publication Period

On 18.2.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual raising concern that the applied use encouraged the proliferation of brownfield in the WBA (**Appendix IV**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval under Application No. A/YL-ST/501 for temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen), storage of metalware and construction material, and cargo handling and forwarding facilities for a further period of 3 years. The Site falls within “U” zone on the OZP for the Lok Ma Chau Spur Line and the proposed NOL railway system and a review on the future use of the area will be made taking into account the finalized Spur Line as well as the proposed NOL rail alignments. CE/RD2-2, RDO, HyD has no objection to the temporary application from railway development viewpoint. The applied temporary use will not jeopardise the long-term land uses of the areas and is considered not incompatible with the surrounding land uses which include vehicle parks and open storage yards.
- 12.2 The renewal is in line with TPB PG-No. 34C in that there has been no major change in planning circumstances, Government departments concerned have no objection to or adverse comment on the application, adverse impacts arising from the renewal of the planning approval are not envisaged, all the approval conditions under the previous approval had been complied with, and the 3-year approval period sought is the same as the previous approval.
- 12.3 Although the Site falls within the WBA of the TPB PG-No. 12C, the guidelines also 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. Moreover, the guidelines also state that container

back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movement of goods in the area.

- 12.4 The TPB PG-No. 13F is applicable to this application. The Site falls within Category 1 areas. The following criteria are relevant:

Category 1 areas: considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant environmental and traffic concerns.

- 12.5 The application is in line with the TPB PG-No. 13F in that the Site falls within Category 1 areas where 10 previous planning approvals for the same or similar uses have been granted since 1993, the applicant has complied with all the approval conditions under the last approved application, Government departments concerned including C for T, DEP, D of FS, CE/MN, DSD and CTP/UD&L, PlanD have no objection to or adverse comment on traffic, environmental, fire safety, drainage and landscape aspects respectively; and the concerns of relevant Government departments could be addressed through the imposition of approval conditions. To mitigate any potential environmental impacts and to address their requirements, approval conditions restricting the operation hours and activity on-site, and on technical requirements are recommended in paragraph 13.2 (a) to (h) below. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 12.6 The Site is the subject of 10 previous approvals for similar/same uses. Moreover, since 2010, the Committee has approved a total of 19 applications for similar temporary public vehicle parks involving private cars, container vehicles and heavy goods vehicles and open storage uses within the same “U” zone as detailed in paragraph 7 above. Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 There is one public comment on the application received during the statutory publication period as stated in paragraph 11. The planning assessment 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, and be

renewed from 26.5.2020 until 26.5.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 11:00p.m. and 7:00a.m. for parking of container vehicles and heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance, vehicle repairing activities, and cargo handling and forwarding services, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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;
- (c) no vehicle is allowed to queue back to or reverse onto/from the Site to the public road at any time during the planning approval period;
- (d) the paving and boundary fencing on the Site should be maintained at all times during the planning approval period;
- (e) the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.8.2020;
- (g) the submission of 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 Town Planning Board by 26.11.2020;
- (h) in relation to (g) above, the implementation of 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 Town Planning Board by 26.2.2021;
- (i) 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;
- (j) if any of the above planning conditions (f), (g) or (h) 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
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[Except for conditions relating to the submission and implementation of drainage and tree preservation proposals which have been deleted or amended to accord with the latest circumstances/departmental comments, all the other conditions are same as those imposed under the previous application No. A/YL-ST/501.]

Advisory Clauses

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

13.3 There is no strong 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 with Supplementary Information received on 4.2.2020
Appendix Ia	Planning Statement
Appendix Ib	FI received on 22.4.2020
Appendix II	Previous applications covering the Site
Appendix III	Similar applications within “U” zone on the approved San Tin OZP No. S/YL-ST/8
Appendix IV	Public comment received during the statutory publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
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 to 4c	Site Photos