

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

APPLICATION NO. A/YL-ST/523

<u>Applicant</u>	: Treasure Day Inc. Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: 16,442m ² (about) (including about 8,708m ² of GL)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-ST/463. The permission is valid until 22.5.2018.
- 1.2 The Site (in whole or in part) is the subject of 14 previously approved applications (Nos. A/DPA/YL-ST/9 and 17, A/YL-ST/13, 14, 17, 52, 131, 204, 229, 308, 357, 409, 435 and 463) mainly for temporary public vehicle parks. The last Application No. A/YL-ST/463 submitted by the current applicant for the same temporary public vehicle park (for private cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) use, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 22.5.2015 for a period of three years until 22.5.2018. All

approval conditions including the submission of as built drainage plans and photographic records of the existing drainage facilities, the submission and implementation of fire service installations (FSIs) proposal and tree preservation proposal and the provision of boundary fencing have been complied with.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at the south off Castle Peak Road – San Tin. According to the applicant, the development parameters of the current application are same as those approved under Application No. A/YL-ST/463. The major development parameters are as follows:

Development/ use	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (including a Refreshment Kiosk) for a Period of 3 Years
Site Area	About 16,442 m ² (including about 8,708m ² of GL)
Total floor area	411.77 m ²
No. of Structures	5
Height of structures	1 to 2 storeys (2.5m to 5.2m)
Vehicle parking spaces	545 spaces for private cars 6 spaces for Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses
Operation Hours	24 hours daily

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

- (a) Application Form received on 22.3.2018 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information received on 8.5.2018 providing response to a public comment, indicating that existing landscape / trees will be maintained **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Chapter 5 of Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The Site was granted planning permissions for the same or similar uses of temporary public vehicle park under previous planning applications (Nos. A/YL-ST/131, 204, 229, 308, 357, 409, 435 and 463). The existing site condition is similar to then site condition under previous approvals.

- (b) All existing facilities including fencing, paving, landscape planting and the drainage facilities would remain unchanged and be well maintained on Site. The Applicant indicated that he is willing to improve the condition to meet the Government's requirements.
- (c) All approval conditions under Application No. A/YL-ST/463 have been complied with. Genuine efforts were made to comply with the approval conditions thus favourable considerations should be given to the application.
- (d) The subject "U" zone is reserved for the Spur Line and the proposed Northern Link railway system. As relevant land had been resumed and cleared, the remaining land of the zone is under review, approval of the subject application on a temporary basis will not prejudice the future long term planning of the area.
- (e) Given the increasing cross-border activities, the 545 private car parking spaces provided on Site are necessary to meet the increasing parking demand at Lok Ma Chau. The Site also includes 6 Lok Ma Chau – Huanggang Cross Boundary Shuttle Bus parking spaces to support the shuttle bus services at San Tin Interchange.
- (f) Due to the increasing parking demand, surrounding areas have been used for public vehicle parks, open storage and other port back-up uses while the sites near the Lok Ma Chau Control Point have mostly been converted into public vehicle parks. There were recent planning permissions granted for similar temporary vehicle parks in the "U" zone including No. A/YL-ST/497 approved on 9.12.2016, No. A/YL-ST/501 approved on 17.3.2017, and No. A/YL-ST/513 approved on 22.12.2017.
- (g) No additional traffic, drainage and environmental 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 sending a notification to the current land owner. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site, 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 on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)

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

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

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

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

4.2 According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the Site falls partly 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)

4.3 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 1 areas under the guidelines. The Guidelines have made special reference to cross-boundary car parking facilities in the San Tin Area.

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 for 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 environmental, traffic and infrastructural impacts on the surrounding areas, and each case will be considered on its individual merits.

5. Background

The Site is not subject to any active enforcement case.

6. Previous Applications

- 6.1 The Site is the subject of 14 previous applications (Nos. A/DPA/YL-ST/9 and 17, A/YL-ST/13, 14, 17, 52, 131, 204, 229, 308, 357, 409, 435 and 463) (**Plan A-1b**), of which 9 applications (Nos. A/YL-ST/52, 131, 204, 229, 308, 357, 409, 435 and 463) are for public vehicle parks..
- 6.2 Applications (Nos. A/DPA/YL-ST/9 and 17) submitted by different applicants for container vehicle park / ancillary tyre repairing and replacement for container vehicles were approved by the Committee on 23.7.1993 and 15.10.1993 for 3 years respectively mainly on the consideration that the development is in line with the planning intention of the area, is not incompatible with the surrounding land uses and unlikely to cause significant adverse traffic and environmental impacts on the neighbouring areas.
- 6.3 Applications (Nos. A/YL-ST/13 and 14) submitted by the current and another applicant for temporary open storage of container yard and temporary container trailer park (at the western and eastern parts of the Site respectively) were approved by the Committee on 15.11.1996 for a period of 3 years mainly on the consideration that the development was not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions.
- 6.4 Application No. A/YL-ST/17 submitted by a different applicant for temporary container vehicle park and open storage of containers for not more than 3 years was approved upon review by the Board on 29.8.1997 on the consideration that the development would have minimal interference with the West Rail implementation programme, is not incompatible with the surrounding land uses, is unlikely to cause significant adverse environmental impact on the neighboring areas, and is considered to be suitable site for container-related uses.
- 6.5 Application Nos. A/YL-ST/52 and 131 submitted by different applicants for temporary public car park were approved by the Committee on 24.4.1998 and

16.6.2000 for a period of 2 years and 3 years respectively mainly on the consideration that the development was not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions. The planning permission under Application No. A/YL-ST/131 was however revoked on 15.9.2001 due to non-compliance with approval conditions on implementation of the accepted landscaping proposal, provision of drainage facilities, and provision of vehicular access points.

- 6.6 Applications Nos. A/YL-ST/204 and 229 submitted by different applicants for temporary public car park with canteen/ancillary facilities (including a proposed refreshment kiosk) were approved by the Committee on 9.8.2002 and 7.3.2003 respectively for a period of 3 years mainly on the consideration that the development was not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions. The planning permission under Application No. A/YL-ST/204 was however revoked on 9.5.2003 due to non-compliance with approval conditions in respect of implementation of the accepted landscaping proposal and submission and provision of drainage proposal.
- 6.7 Application Nos. A/YL-ST/308, 357 and 409 submitted by the current applicant for temporary public car park (for private cars) with ancillary facilities (including a refreshment kiosk) were approved by the Committee on 7.4.2006, 13.2.2009 and 20.1.2012 for 3 years respectively mainly on the consideration that the development was not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions.
- 6.8 Application Nos. A/YL-ST/435 and 463 submitted by the current applicant for the same applied use was approved by the Committee on 16.8.2013 and 22.5.2015 for periods of 3 years respectively mainly on the consideration that the proposed development could satisfy the parking demand arising from the local villagers and cross-boundary travellers. The public car park was not incompatible with the surrounding land uses, the development was in line with the TPB PG-No. 13E, and the temporary development for a period of 3 years would not frustrate the future land uses of the "U" zone. The planning permission under Application No. A/YL-ST/435 was however revoked on 16.7.2015 due to non-compliance with approval conditions in respect of the submission and implementation of landscape and tree preservation proposal and the provision of boundary fencing. For Application No. A/YL-ST/463, all approval conditions including the submission and implementation of FSIs, drainage proposals, tree preservation proposal and provision of boundary fencing have been complied with.
- 6.9 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 Since the promulgation of TPB PG-No. 13E in October 2008, there are 17 similar applications for public vehicle parks within the same “U” zone on the OZP, of which 16 were approved by the Committee mainly on consideration that the developments were not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions. Application No. A/YL-ST/417 falling partly within the same “U” zone and partly within “GB” zone, was rejected by the Board upon review in May 2013 mainly for the reasons that the development was not in line with the planning intention of the “GB” zone, was not in line with the TPB PG-No. 10; did not comply with the TPB PG-No. 13E; and approval of the application would set an undesirable precedent for similar applications within “GB” zone to the north of the Chau Tau West Road.
- 7.2 Details of these 17 similar 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 at the south off Castle Peak Road – San Tin;
- (b) divided into western and eastern portions connected by an internal driveway;
- (c) currently used for the applied use under valid planning permission; and
- (d) largely located within the WBA (about 80%) of Deep Bay.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are unused land, a nullah, vacant land and MTR (East Rail Line). To the north across MTR (East Rail Line) are open storage of construction machinery, and a container vehicle park, open storage of containers and public car park approved under Application No. A/YL-ST/497. To the further north across Lok Ma Chau Road is a public vehicle park approved under Application No. A/YL-ST/487;
- (b) to the west is San Sham Road. To the further west across San Sham Road are a nullah, San Tin Tsuen Road and ‘The Boxes’ which is subject of temporary cross-boundary shopping centre with ancillary car park, eating place, shop and service (fast food shop), office and storage of consumer goods approved under Application No. A/YL-ST/476. The site of Application No. A/YL-ST/476 is also subject of another approved Application No. A/YL-ST/503 for commercial development (eating place, place of entertainment, and shops and services) with minor relaxation of

height restriction and excavation of land. The proposed development under Application No. A/YL-ST/503 has yet to be implemented;

- (c) to the south is Castle Peak Road – San Tin. To the further south across Castle Peak Road – San Tin is the Cross Boundary Shuttle Bus San Tin Terminus; and
- (d) to the east is a car park.

9. Planning Intention

The area is zoned “U” for the planning and development of the Sheung Shui to Lok Ma Chau Spur Line and the proposed Northern Link railway system. 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, GIC facilities, open space would be adequately provided. The proposed development should also take into account the railway alignments. To realize a built-form which is compatible with the surroundings, the development intensity should take into account the rural characteristics of the surrounding areas.

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 an Old Schedule Agricultural Lot 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 No. 372 S.D RP in D.D. 99 is covered by STWs to permit structures for the purpose of “Temporary vehicle park (including Container Vehicles), Temporary Public Vehicle Park (including Private Cars, Container Vehicles, Heavy Goods Vehicles and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses only) with Ancillary Facilities (including Vehicle Repair Area, Site Offices, Canteen and a Refreshment Kiosk), Storage of Containers, Storage of New Unlicensed Container Tractors, Storage of Metal Ware and Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and Related Parts/Accessories), Vehicle Repair and Services, Ancillary Office and Cargo Handling and Forwarding Facilities”.

- (c) A portion of the GL (about 8,580m²) of the Site is covered by a Short Term Tenancy (STT) No. 2806 for the purpose of “Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk)”.
- (d) No permission is given for occupation of the remaining GL (about 128m² subject to verification) included in the Site. The fact that the act of occupation of GL without Government’s prior approval should not be encouraged.
- (e) The Site is accessible to Castle Peak Road – San Tin through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the subject planning application, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions if there is any irregularity on site. Furthermore, 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 GL. 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 renewal of the application from traffic point of view, subject to inclusion of the following condition:

The applicant should maintain the buffer area fronting Castle Peak Road – San Tin as shown on the submitted layout plan (**Drawing A-1**) to avoid queuing on Castle Peak Road.

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

- (a) He presumes C for T will provide comment on the access arrangement from traffic engineering point of view.
- (b) HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Castle Peak Road – San Tin.

- (c) There is GL along the western and northern boundaries of the Site which may be used by the applicant from time to time and LandsD has requested the applicant to provide permanent fencing such as chain-link fencing with a pedestrian gate to fence off the GL within the Site while allowing government staff to pass through for maintenance works. Such request from LandsD is supported provided that fencing will not cause obstruction to the access of the slope No. 2SE-B/F87 by his staff and contractor to carry out routine inspection and maintenance works (**Plan A-2**).
- (d) The Site falls within the Administrative Route Protection Boundary of Northern Link and CE/RD2-2, RDO, HyD will provide his comment.

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

- (a) He has no comment on the application for a period of 3 years from railway development point of view.
- (b) It should be noted that part of the Site would fall within the area of influence of the proposed Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL. The applicant shall be reminded of the above when planning its land use application.

Environment

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

- (a) For properly managed car park involving private cars only, there is limited potential for generating any adverse environmental impact. In this regard, the applicant is advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sties” (the COP).
- (b) Regarding the parking for Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses, please note that according to COP, since there is no residential dwelling found near the vicinity of the Site, DEP has no comment on the application.
- (c) There were no environmental complaints related to the Site in the past 3 years.

Nature Conservation

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

As the Site is paved and disturbed, he has no comment on the application from nature conservation point of view.

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 landscape perspective.
- (b) The Site falls within an area zoned “U” in San Tin, Yuen Long. The Site was involved in 14 previous applications to which they had no objection including the previous application (No. A/YL-ST/463) from landscape planning perspective.
- (c) Comparing the aerial photos taken in 2015 and 2017, there is no significant change to the surrounding landscape since the application last approved. Further significant impact on existing landscape arising from the proposed use is not anticipated. As such, he has no objection to the application from the landscape perspective.
- (d) Should the application be approved by the Board, the following approval condition is proposed:

The maintenance of all landscape plantings within the Site to a satisfactory condition at all time during the planning approval period.

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 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) However, 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

10.1.9 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 and 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 offices, shops and store rooms 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) 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.
- (b) He notes that the applicant implemented the drainage facilities on Site under previous planning Application No. A/YL-ST/463 and the drainage implementation works were considered satisfactory. Under current application, the planning area is not much different from the previous application. The applicant should confirm if they would adopt the same drainage facilities and if positive, provide the approved drainage proposal under planning Application No. A/YL-ST/463 (with approval letter), and 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 for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs.
- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) The applicant is reminded that the proposed drainage proposal / works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant should consult DLO/YL regarding all the drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future.
- (g) 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.

Water Supply

10.1.11 Comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) :

He has no objection to the application subject to the following comments:

- (a) Existing water mains will be affected. A waterworks reserve within 1.5 metres from the centerline of the water mains shall be provided to the satisfaction of WSD.

- (b) No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main shown on the plan.
- (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.

Others

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

- (a) The Food and Environmental Hygiene Department (FEHD) offers no comment on the application provided that no FEHD's facilities will be affected and such work and operation shall not cause any environmental nuisance to the surrounding;
- (b) For any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses; and
- (c) Proper licence / permit issued by FEHD 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.

10.1.13 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

As part of the works of the Main Works Package 1 (MWP1) of the Development of Lok Ma Chau Loop (the Loop), Lok Ma Chau Road would be upgraded to form part of the Western Connection Road to the Loop in order to cater for the anticipated increase in local traffic demand due to the Loop development. Though the detailed design of MWP1 is unavailable at this stage, due to the close proximity, interface issues between MWP1 and the concerned sites in the application are expected and shall be taken into account. According to the latest project development programme, the detailed design of MWP1 would start in 2018 and the upgrading works of Lok Ma Chau Road would start in 2022 the earliest. Notwithstanding the above, his office has no objection to the renewal application for 3 years.

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

He has no comment in principle subject to no queuing at Castle Peak Road and no activities in any form, whatsoever associated with parallel Tradition / General Merchandize Operations (GMO) activities.

District Officer's Comment

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

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

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

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

11. Public Comments Received During Statutory Publication Period

On 3.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 24.4.2018, 2 public comments (**Appendix IV**) were received with one objecting to and one providing comment on the application. The one which provided comments was from a Yuen Long District Councillor who suggested that there should be more greenery and trees on site. The objecting comment was from a member of the public who opined that the application for temporary parking was an inefficient use of land.

12. Planning Considerations and Assessments

12.1 The application is for temporary public vehicle park (for private cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of 3 years within “U” zone. The Site falls within “U” zone on the OZP for the planning and development of the Sheung Shui to Lok Ma Chau Spur Line and the proposed Northern Link railway system. Any developments within the “U” zone has to be comprehensively planned to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space would be adequately provided. The Site is abutting Lok Ma Chau Road, San Sham Road and Castle Peak Road – San Tin and is located directly opposite to the Cross Boundary Shuttle Bus San Tin Terminus. The applied use is considered not incompatible with the surrounding land uses which are mostly vehicle parks, shopping centre, open storage yards and bus terminus. The applied use on a temporary basis would not frustrate the long-term use of the “U” zone (**Plan A-2**).

12.2 The current application is for the renewal of the planning permission under Application No. A/YL-MP/463 for the same use for a further period of 3 years. The renewal is in line with TPB PG-No. 34B in that since the last approval, there

has been no major change in planning circumstances; concerned Government departments have no objection to or no adverse comments on the application, there is no environmental complaint against the Site in the past 3 years, adverse planning implications arising from the renewal of the planning approval are not expected, and all the approval conditions under the previous application have been complied with.

- 12.3 The application is in line with the TPB PG-No. 13E in that suitable sites in San Tin area may be considered for cross-boundary parking facilities based on individual merits. The Site is located opposite to the Cross Boundary Shuttle Bus San Tin Terminus and close to 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. Adverse environmental, traffic and infrastructural impacts on the surrounding areas are not anticipated. Relevant Government departments, including DEP, CE/MN of DSD, C for T, D of FS, and CTP/UD&L of PlanD, have no objection to or no adverse comment on the application.
- 12.4 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. The DAFC has no adverse comment on the application noting that the Site is paved and disturbed.
- 12.5 There was no environmental complaint related to the Site in the past 3 years. Concerned Government departments, including DEP, CE/MN of DSD, C for T, D of FS, and CTP/UD&L of PlanD, have no objection to or no adverse comment on the application on environmental, drainage, traffic, fire safety and landscape aspects. Their technical concerns could be addressed by approval conditions as recommended in paragraph 13.2 (k) to (m) below. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the types of vehicles and activities on-site, requiring maintenance of the paving, the boundary fencing, the buffer area, drainage facilities and landscape planting are recommended in paragraph 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 the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.
- 12.6 There have been 9 previously approved applications (Nos. A/YL-ST/52, 131, 204, 229, 308, 357, 409, 435 and 463) for public vehicle parks at the Site (**Plan A-1b**). The last Application No. A/YL-ST/463 submitted by the current applicant for the same applied use was approved by the Committee on 22.5.2015 for a period of 3 years. Since 2008, the Committee has approved a total of 16 applications for similar uses within the same “U” zone based on similar considerations that the developments were not incompatible with the surrounding land uses and departments’ concerns could be addressed by imposing approval conditions. Approval of the current application is in line with the previous decisions of the Committee.

12.7 There were 2 public comments received during the statutory publication period stating that car parks are an inefficient use of land and more greenery/landscape planting should be provided. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are of relevance. The applicant states that the approved landscape proposal has been implemented to the satisfaction of CTP/UD&L, PlanD.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) could be tolerated for a further period of 3 years.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years from 23.5.2018 to 22.5.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains at any time 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) only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at any time during the planning approval period;
- (d) 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 and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) the maintenance of the paving on the site at all times during the planning approval period;
- (g) the maintenance of the boundary fencing on the site at all times during the planning approval period;
- (h) the maintenance of the buffer area within the site fronting Castle Peak Road – San Tin as proposed by the applicant to avoid queuing on Castle

Peak Road – San Tin at all times during the planning approval period;

- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the existing landscape plantings on the site shall be maintained at all times during the planning approval period;
- (k) 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 Town Planning Board by 23.8.2018;
- (l) 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 23.11.2018;
- (m) in relation to (l) 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 23.2.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (o) if any of the above planning conditions (k), (l) or (m) 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
- (p) 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 (g), (h) and (j) which are amended to accord with the latest circumstances/comments of the relevant department, all the other conditions are same as those imposed under previous Application No. A/YL-ST/463.]

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 continued occupation of the Site for the applied uses is not in line with the planning intention of the "U" zone which is intended to allow the planning and

development of the Sheung Shui to Lok Ma Chau Spur Line and other railway proposals.

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 22.3.2018
Appendix Ia	Planning Statement
Appendix Ib	Further Information received on 8.5.2018
Appendix II	Previous s.16 applications covering the application site
Appendix III	Similar s.16 applications within the same “U” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
Appendix IV	Public comments received during the 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 A-4b	Site Photos