

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/525

- Applicant** : Fortune Nine (HK) Company Limited represented by Top Bright Consultants Limited
- Site** : Lots 204 RP (Part), 205, 206 RP (Part), 207 to 209, 210 (Part), 211 (Part), 212 (Part), 213 RP, 214 RP (Part), 215 RP (Part), 353 (Part), 354 (Part), 355, 356 (Part), 357 (Part), 358 (Part), 359 (Part) and 360 in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
- Site Area** : 18,710 m² (about) (including about 957m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Residential (Group D)” (“R(D)”)
- Application** : Temporary Cargo Handling and Forwarding Facilities with Ancillary Tyre Repair Workshop 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 cargo handling and forwarding facilities with ancillary tyre repair workshop for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. 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 previously approved applications (Nos. A/YL-ST/35, 40, 73, 74, 120, 122, 232, 306, 361, 414 and 465) mainly for temporary container trailer parks/open storage of containers/cargo handling and forwarding facilities (**Plan A-1**). The last Application No. A/YL-ST/465 submitted by the same applicant for temporary

cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop was approved 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 3 years until 22.5.2018 (**Plan A-1**). All approval conditions had been complied with.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at its south from Castle Peak Road – San Tin. A comparison of the major parameters of the previously approved application and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-ST/465 (a)	Current Application No. A/YL-ST/525 (b)	Difference (b) – (a)
Development/ use	Temporary cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop for a period of 3 years	Temporary cargo handling and forwarding facilities with ancillary tyre repair workshop for a period of 3 years	Open storage of containers and vehicle repair workshop are deleted Tyre repair workshop added
Site area	About 18,966m ² (including about 957m ² GL)	About 18,710m ² (including about 957m ² GL)	-256m ²
Total Floor area	9,017.5m ²	10,783m ²	+1,765.5m ²
No. of Structures	15	20 (including 3 rain shelters)	+5
Height of structures	1-2 storeys (2.4 - 8m)	1-2 storeys (2.5 - 8m)	Minimum height of structures +0.1m
No. of Parking Spaces - Loading / Unloading Spaces	4	4	Same
- Staff/Visitors	6	6	Same
Operation Hours	7:00a.m. to 11:00p.m. Monday to Saturday No operation on	7:00a.m. to 11:00p.m. Monday to Saturday No operation on	Same

Major Development Parameters	Previously Approved Application No. A/YL-ST/465 (a)	Current Application No. A/YL-ST/525 (b)	Difference (b) – (a)
	Sundays and public holidays	Sundays and public holidays	

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

- (a) Application Form dated 4.5.2018 received on 17.5.2018 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information received on 15.6.2018 clarifying the number of structures of the last application on the site **(Appendix Ib)**
- (d) Further Information received on 11.9.2018 providing responses to departmental comments **(Appendix Ic)**

1.5 On 6.7.2018, the Committee decided to defer making a decision on the application as requested by the applicant pending further submission from the applicant to address departmental comments. On 11.9.2018, the applicant submitted further information (FI) and the application is 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 Chapter 6 of Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) Cargo handling and forwarding facilities near the Lok Ma Chau boundary are in great demand. Given the Site's proximity to the boundary, the applied use is at an ideal location.
- (b) The Site has been subject of 11 approved applications and there are a number of similar applications in the vicinity. The application is also generally the same as the last approved Application No. A/YL-ST/465. Approval of the application is generally in line with the Board's previous decisions.
- (c) All approval conditions for the last planning Application No. A/YL-ST/465 have been complied with during the approval period.
- (d) Approval of the applied use would not violate TPB PG-No. 13E as the area falls within a "Category 2" area. The applied use can be tolerated at the Site.
- (e) The application is fully compatible with the surrounding areas characterized by open storage and port back-up uses.

- (f) No adverse environmental, drainage and traffic impacts are anticipated. The application would not affect the drainage improvement works in Northern New Territories.

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 notifying the concerned land owners through newspaper publication and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

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

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

Areas mostly without clear planning intention or fixed development programme, to be affected by major upcoming infrastructural projects, within or close to clusters of open storage or port back-up sites which are regarded as "existing uses" under the Town Planning Ordinance and/or subject of previous planning approvals, and

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

5. **Background**

The Site is not a subject of any active planning enforcement case. As the previous planning approval for the use on the Site has already been lapsed, the current use at the Site is under investigation. Should there be sufficient evidence to prove that the current use on the Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action will be taken.

6. **Previous Applications**

- 6.1 The Site (in whole or in part) is subject of 12 previous applications (Nos. A/YL-ST/26, 35, 40, 73, 74, 120, 122, 232, 306, 361, 414 and 465). Except for Application No. A/YL-ST/26, all applications were approved by the Committee (**Plan A-1**).
- 6.2 Application No. A/YL-ST/26 submitted by a different applicant for temporary open storage of containers was rejected by the Board upon review on 27.6.1997 mainly for the reasons that there was no information in the submission to demonstrate that mitigation or improvement measures required could be practicably implemented.
- 6.3 Applications Nos. A/YL-ST/35, 40, 73 and 74 submitted by different applicants for temporary open storage of containers/container trailer park were approved by the Committee on 5.12.1997, 5.12.1997, 22.1.1999 and 22.1.1999 respectively for a period of 12 months mainly on the consideration that the development could alleviate the acute shortage of port back-up land in the San Tin area.
- 6.4 Applications Nos. A/YL-ST/120, 122, 232, 306 and 361 submitted by different applicants for temporary open storage of containers/container trailer park were approved by the Committee/the Board upon review on 31.3.2000, 31.3.2000, 17.10.2003, 7.4.2006 and 13.3.2009 respectively for a period of 3 years mainly on the consideration that the development could alleviate the acute shortage of port back-up land in the San Tin area.
- 6.5 Application No. A/YL-ST/414 submitted by a different applicant for temporary open storage of containers and cargo handling and forwarding facilities with ancillary container trailer park and vehicle repair workshop was approved by the Committee on 18.5.2012 for a period of 3 years on the consideration that the proposed development is not incompatible with the surrounding land uses and the

concerns of Government departments could be addressed by imposing approval conditions. The planning permission was however revoked on 18.6.2014.

- 6.6 The last Application No. A/YL-ST/465 submitted by the same applicant for temporary cargo handling and forwarding facilities and opens storage of containers with vehicle repair workshop for a period of 3 years was approved by the Committee on 22.5.2015 for a period of 3 years on the consideration that approval on a temporary basis would not frustrate the long-term planning intention, the development was not incompatible with surrounding uses, the application was in line with TPB PG-No. 13E and there were no adverse department comments and no environmental complaints. All approval conditions have been complied with. The planning permission lapsed on 23.5.2018.
- 6.7 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 Since 2008, there are 3 applications (Nos. A/YL-ST/404, 455 and 512) covering a site for similar logistic centre / cargo handling and forwarding facilities uses within the same “R(D)” zone on the OZP. All the applications were approved by the Committee mainly on considerations that the developments were not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions.
- 7.2 Details of the similar applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) accessible from the south off Castle Peak Road – San Tin;
 - (b) currently used for the applied use without valid planning permission; and
 - (c) located within the WBA of Deep Bay.
- 8.2 The surrounding areas are mainly open storage yards, vehicle parks (including container vehicle parks), vehicle repair workshops and logistics centre, of which some are suspected unauthorized developments subject to enforcement action by the Planning Authority:
- (a) to the north are a nullah, a pond and San Tin Tsuen Road. Further northeast across San Tin Tsuen Road are unused land, ponds, vacant land, a car park and a construction site;

- (b) to the immediate east are open storage of vehicles for sale, open storage of scrap metal and a nullah;
- (c) to the immediate south are a vehicle repair workshop approved under Application No. A/YL-ST/510, open storage of container tractors and lorries for sale, a retail shop (container tractor, medium goods vehicle, fork lift and building materials) approved under Application No. A/YL-ST/484 and a storage yard. Further south across Castle Peak Road - San Tin are open storage of lorry cranes for sale under Application No. A/YL-ST/478, parking of vehicle and warehouses and workshops, open storage of scrap metal and Civil Engineering and Development Department (CEDD)'s cycle track works area. Further south is San Tin Highway and Shek Wu Wai Road; and
- (d) to the immediate west is a logistics centre with ancillary container vehicle park and with ancillary vehicle repair workshop, car beauty service approved under Application No. A/YL-ST/512 and a vehicle repair workshop.

9. Planning Intention

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

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Portions of Government Land (GL) with total area of about 840m² of the Site is covered by a Short Term Tenancy (STT) No. 3014 for the purpose of "Temporary Cargo Handling and Forwarding Facilities and Open Storage of Containers with Vehicle Repair Workshop".

- (c) No permission is given for occupation of the remaining GL (“the remaining GL”) with an area of about 117m² (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) as below table:

STW No.	Lot No. (in D.D. 105)	Purposes
2986	332 S.B RP & 357	Motor Vehicle Repair Workshop (Tyre and Electronic Parts Only)
2987	333 S.B RP & 356	
2988	358	
3653	204 RP	Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park with Ancillary Vehicle Repair Workshop
3984	354	Temporary Vehicle Repair Workshop and Office
4628	205	Temporary Cargo Handling and Forwarding Facilities and Open Storage of Containers with Vehicle Repair Workshop
4629	206 RP & 209	
4630	207	
4631	208	
4632	210	
4633	211	
4634	212 & 213 RP	
4635	214 RP	

- (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 over the GL to the Site.
- (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 STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there is any irregularity on site. Besides, 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. Furthermore, the lot owner of the lot without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on Site. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such

terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no comment on the application.
- (b) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reserve onto/from the Site 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):

Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

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

Environment

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

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP), he has no objection to the application.
- (b) The applicant is advised to follow the COP to minimize the possible environmental impacts
- (c) There was no environmental complaint 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. Nevertheless should the

application be approved, the applicant should be advised to implement necessary measures to avoid causing disturbance and pollution to the stream to the northeast of the Site (**Plans A-2 & A-3**) during operation.

Landscape

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

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

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

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. 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 Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.

- (b) If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application.
- (c) Before any new building works (including 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/465 and the drainage implementation works were considered satisfactory. Under current application, the planning area is less than that of the previous application. The applicants should provide the approved drainage proposal under planning Application No. A/YL-ST/465 (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, LandsD regarding all the proposed 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 drainage works on site under proper maintenance at all times.

Water Supply

10.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

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

- (a) Existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development.
- (b) In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5m from the centerline of the water main shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes.
- (c) 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.
- (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 Commissioner of Police (C of P):

He has no comment in principle subject to no activities in any form, whatsoever associated with Parallel Trading / General Merchandize Operations (GMO) activities and illicit refueling activities.

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

- (a) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD.
- (b) Proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (c) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

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

11. Public Comments Received During Statutory Publication Period

On 29.5.2015, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.6.2015, no public comment was received.

12. Planning Considerations and Assessments

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

Category 2 areas: areas mostly without clear planning intention or fixed development programme, to be affected by major upcoming infrastructural projects, within or close to clusters of open storage or port back-up sites which are regarded as "existing uses" under the Town Planning Ordinance and/or subject of previous planning approvals, and areas not subject to high flooding risk. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

12.2 The Site falls within "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the "R(D)" zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "R(D)" zone as there is no immediate development proposal for the Site.

12.3 The application is in line with the TPB PG-No. 13E in that (a) the Site falls within the Category 2 areas where a number of open storage yards and port backup facilities are in the vicinity and there is no immediate permanent development proposal or program for the Site; (b) Government departments concerned have no adverse comment on or objection to the application on conservation, traffic, drainage and landscape aspects; and there was no environmental complaint related to the Site in the past 3 years; and (c) the Site (in whole or in part) is the subject of 11 previously approved planning applications mainly for temporary open storage of containers and cargo handling and container trailer park.

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. DAFC has no comment on the application from nature conservation point of view. The Site has been mainly used for the temporary open storage of containers and cargo handling and container trailer park with approved planning

applications. There are also open storage yards, vehicle parks (including container vehicles) and a logistic centre in the vicinity. Adverse ecological impact on the Site and its immediate surrounding areas is not envisaged.

- 12.5 The applied use is not incompatible with the surrounding land uses, comprising mainly open storage yards, vehicle parks (including container vehicle parks) and vehicle repair workshops. 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 environmental, drainage, traffic, fire safety and landscape aspects. Their technical concerns could be addressed by approval conditions as recommended in paragraph 13.2 (g) to (i) below. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours and the activities on-site as well as requiring maintenance of paving, boundary fencing, existing trees and existing drainage facilities are recommended in paragraph 13.2 (a) to (f) 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 11 previously approved applications (Nos. A/YL-ST/35, 40, 73, 74, 120, 122, 232, 306, 361, 414 and 465) for temporary container trailer parks/open storage of containers/cargo handling and forwarding facilities at the Site (**Plan A-1**). The last application for temporary cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop was approved by the Committee on 22.5.2015 for a period of 3 years until 22.5.2018, and all approval conditions had been complied with. Since 2008, the Committee has approved 3 applications for similar uses within the same “R(D)” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 There is no public comment on the application received during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary cargo handling and forwarding facilities with ancillary tyre repair workshop could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 19.10.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sunday and public holiday, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) the existing trees on the site should be maintained at all times during the approval period;
- (f) the drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.1.2019;
- (h) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.4.2019;
- (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 Town Planning Board by 19.7.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

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

the temporary cargo handling and forwarding facilities with ancillary tyre repair workshop is not in line with the planning intention of the "R(D)" zone. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 17.5.2018
Appendix Ia	Planning Statement
Appendix Ib	FI received on 15.6.2018
Appendix Ic	FI received on 11.9.2018
Appendix II	Previous s.16 applications covering the Site
Appendix III	Similar s.16 applications within "R(D)" zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2018**