

RNTPC Paper No. A/YL-ST/528  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 17.8.2018

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-ST/528**

- Applicant** : Wang Tat Motor Trading Company represented by Top Bright Consultants Limited
- Site** : Lots 52 RP (Part), 61 (Part), 62 (Part), 64 RP (Part) and 65 RP in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 1,626m<sup>2</sup> (including about 403m<sup>2</sup> 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 Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractors but excluding Trailers) for Sale and a Covered Works Area 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 open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use 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 8 previously approved applications (Nos. A/YL-ST/86, 118, 148, 179, 290, 365, 413 and 461) mainly for temporary vehicle parks and open storage uses (**Plan A-1**). The last Application No. A/YL-ST/461 submitted by the same applicant for the same use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.5.2015 for a period of 3 years from 23.5.2015 to

22.5.2018 (**Plan A-1**). All approval conditions, including those in relation to the submission and implementation of fire service installations (FSIs) proposal, the provision of fire extinguisher(s), and the submission of an as-built drainage plans and photographic records of the existing drainage facilities had been complied with. The permission had lapsed on 23.5.2018.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible from the east off Shek Wu Wai Road leading to Castle Peak Road – San Tin. The applicant has submitted landscape and tree preservation proposal in support of the application (**Drawing A-2**). According to the applicant, the covered works area is used exclusively for cleansing and waxing activities. No car repairing works will be carried out on-site. The major parameters of the current application are summarized below:

<b>Major Development Parameters</b>	<b>Current Application No. A/YL-ST/528</b>
Development Use	Temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area
Site Area	About 1,626m <sup>2</sup> (including about 403m <sup>2</sup> of GL)
Total Floor Area	272m <sup>2</sup>
Structures	3 structures including: <ul style="list-style-type: none"> <li>• 1 site office of 2 storeys (4.8m high) with floor area of 106m<sup>2</sup></li> <li>• 1 toilet of 1 storey (2.5m high) with floor area of 2m<sup>2</sup></li> <li>• 1 covered works area of 1 storey (5m high) with floor area of 164m<sup>2</sup></li> </ul>
No. of Parking Spaces	
● Medium Goods Vehicles	12
● Container Tractors	10
● Private Vehicles for Staff and Visitors	2
Operation Hours	9:00a.m. to 6:00p.m. from Monday to Friday and 9:00a.m. to 1:00p.m. on Saturday (no operation on Sunday and public holiday)

- 1.4 As compared with the last approved application (No. A/YL-ST/461), the current application is of the same use and layout, and has the same number of parking spaces, but with a slightly reduced site area from 1,744m<sup>2</sup> to 1,626m<sup>2</sup> (-118m<sup>2</sup>).

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

(a) Application Form received on 22.6.2018

(Appendix I)

- (b) Planning Statement (Appendix Ia)
- (c) Further Information received on 1.8.2018 providing responses to CTP/UD&L, PlanD and C for T's comments (*accepted and exempted from publication and recounting requirements*) (Appendix Ib)

## 2. Justifications from the Applicant

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

- (a) There are very limited areas designated for the provision of different types of services for goods vehicles and container vehicles in the San Tin area. There is a genuine demand for sale of second hand vehicles in the area.
- (b) The Site is unlikely to be developed for residential developments in the short to medium term. The length of planning permission being sought is for a temporary period of 3 years. Approval of the application would not frustrate the long term planning intention of the "R(D)" zone.
- (c) The development is fully compatible with the surrounding areas which have open storage yards, container vehicle parks, logistics centre, retail shops to sell vehicle parts, accessories and construction machinery, and vehicle repair workshops. The Site is bounded by two roads with heavy traffic flows, approval of the application would therefore not result in any interface problems with the surrounding areas.
- (d) According to the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) for Application for Open Storage and Port Back-up Uses, the Site falls within "Category 3" areas. The Site is considered tolerable for the development of open storage and port back-up uses on a temporary basis. It complies with the assessment criteria for applications for open storage and port back-up uses on the grounds that the Site would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- (e) There have been previous applications for the same use on the Site approved by the Board between 2002 to 2015. The Board's decision to approve the previous applications on the same site and a number of similar applications in the vicinity indicate that the applied use is acceptable within the "R(D)" zone.
- (f) The applicant has fully complied with the approval conditions stipulated in the planning permission of last Application No. A/YL-ST/461.
- (g) The Site has been used for similar uses for more than 18 years and no traffic complaint has been received due to the operation of the development. The applied use would not generate any additional traffic to the nearby area, as the number of vehicular trips generated by the development would be infrequent.

- (h) The Site is well-paved and fenced off by 2m high corrugated metal sheets and perimeter trees. It is basically used as a sales centre for medium goods vehicles and tractors and thus noise and dust emissions are minimal. No adverse environmental and visual impacts to the surrounding areas would be generated. With the existing drainage system properly maintained by the applicant, no adverse drainage impact is anticipated.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the San Tin Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL, the “Owner’s Consent/Notification” Requirements as set out in TPB PG-No. 31A are not applicable.

### **4. Town Planning Board Guidelines**

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

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) provides guidelines for open storage and port back-up uses. The Site falls within Category 3 areas under the guidelines. The following criteria are relevant:

Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

### **5. Background**

The Site is not subject to any enforcement action.

### **6. Previous Applications**

- 6.1 The Site was involved in 11 previous applications (Nos. A/DPA/YL-ST/13, A/YL-ST/19, 46, 86, 118, 148, 179, 290, 365, 413 and 461). Except for

applications No. A/DPA/YL-ST/13, A/YL-ST/19 and 46, the other 8 applications were approved by the Committee (**Plan A-1**).

- 6.2 Application No. A/DPA/YL-ST/13 submitted by a different applicant for proposed open container vehicle and lorry park was rejected by the Committee on 3.9.1993 mainly on the grounds that the proposed development was not in line with the planning intention of the area, there was no information in the submission to demonstrate that the proposed development would have insignificant impact environment, drainage and traffic in the area, was not compatible with neighbouring rural settlement, would cause adverse impact on the nearby slip road and that no noise mitigation measures were proposed in the submission.
- 6.3 Applications Nos. A/YL-ST/19 and A/YL-ST/46 submitted by different applicants for temporary car repairing workshop, and temporary container vehicle repairing and washing workshop respectively were rejected by the Committee on 20.12.1996 and by the Board upon review on 15.5.1998 respectively mainly on the grounds that the proposed development was not in line with the planning intention of the “R(D)” zone; the proposed development was not compatible with the surrounding land uses which were residential and rural in character; there was insufficient information in the submission to demonstrate that the proposed development would have insignificant adverse environmental impacts on the surrounding area; and the approval of the application would set an undesirable precedent for similar applications, the cumulative effect of which would further degrade the environment of the area.
- 6.4 Application No. A/YL-ST/86 submitted by a different applicant for temporary public car park was approved by the Committee on 28.5.1999 for a period of 3 years mainly on the consideration that the development would not frustrate the permanent development of the site. However, no submission had been received for compliance with approval conditions and the planning permission lapsed on 28.5.2002.
- 6.5 Application No. A/YL-ST/118 submitted by a different applicant for proposed temporary open storage of building material, pre-casted façade units and/or vehicle spare parts was approved by the Committee on 14.4.2000 for a period of 3 years mainly on the consideration that the development was not incompatible with the surrounding land uses; and the proposed development could alleviate the acute shortage of open storage land in the area. However, the planning permission was revoked on 14.1.2001 due to non-compliance with approval conditions relating to the submission and implementation of landscaping proposals and the provision of drainage facilities.
- 6.6 Application No. A/YL-ST/148 submitted by the same applicant for temporary car park for second hand private cars was approved by the Committee on 13.10.2000 for a period of 3 years mainly on the consideration that the development was not incompatible with the surrounding land uses; and the proposed parking for private cars was not expected to generate significant adverse traffic, environmental and drainage impacts on the area. During the approval period, the

applicant had complied with all the approval conditions in relation to the submission and implementation of landscaping proposals and the provision of drainage facilities. The planning permission lapsed on 13.10.2003.

- 6.7 Applications No. A/YL-ST/179 and 290 submitted by the same applicant both for temporary open storage of second hand motor vehicles (including private cars and tractors but excluding trailers) for sale and a covered works area were approved by the Board upon review and by the Committee respectively on 8.3.2002 and on 27.7.2005 for periods of 3 years mainly on the consideration that the developments did not involve the storage of container vehicles, and might be tolerated and the applications were considered not incompatible with the surrounding land uses. The applicant had complied with all approval conditions of both applications.
- 6.8 The last three Applications Nos. A/YL-ST/365, 413 and 461 submitted by the same applicant for the same applied uses as the current application were approved by the Committee on 22.5.2009, 18.5.2012 and 8.5.2015 respectively for periods of 3 years mainly on the consideration that the applications were considered not incompatible with the surrounding land uses; developments were considered in line with the TPB PG-No. 13E in that there were previous approvals, no local objection nor major adverse departmental comments/objection to the application. All approval conditions, including those in relation to the maintenance of paving and boundary fencing, existing trees, vehicular access/run-in between the site, the existing drainage facilities, the submission of as-built drainage plans and photographic records of the existing drainage facilities, the provision of fire extinguisher(s), the submission of FSIs proposals and the implementation of FSIs, the submission of run-in proposal and the provision of run-in, were complied with. The planning permission under the last Application No. A/YL-ST/461 had lapsed on 23.5.2018.
- 6.9 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 16 similar applications for similar uses within the same "R(D)" zone on the OZP. 15 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. The remaining one application was rejected by the Committee in 2010 mainly for the reasons that the proposed development involving heavy goods vehicles was not compatible with the neighbouring residential uses; not in line with the TPB PG-No.13E in that there were adverse comments from concerned Government department on the environmental aspect, and the proposed development would have adverse environmental nuisances to the nearby residents.

7.2 Details of these 16 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-4b)**

8.1 The Site is:

- (a) accessible from the east off Shek Wu Wai Road leading to Castle Peak Road – San Tin;
- (b) currently used for the applied use without valid planning permission; and
- (c) located outside the Wetland Buffer Area (WBA) of Deep Bay.

8.2 The surrounding areas are mainly residential dwellings, vehicle parks, and open storage yards. Some vehicle parks are suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to the east is Shek Wu Wai Road. To the further east across Shek Wu Wai Road are a culvert, vehicle park with tyre repair area approved under A/YL-ST/527, vehicle park approved under Application No. A/YL-ST/526, amenity area, unused and vacant land, and parking of vehicles with warehouse and workshop;
- (b) to the north are residential dwellings, vegetable co-operation societies, open storage and retail shop of vehicle parts and accessories approved under A/YL-ST/511, temporary shop and services for sale of vehicle parts approved under A/YL-ST/524, vacant and unused land, a toilet and a refuse collection point;
- (c) to the west are residential dwellings, parking of vehicles, and unused land; and
- (d) to the south is San Tin Highway.

## **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 GL with total area of about 341m<sup>2</sup> of the Site are covered by a Short Term Tenancy (STT) No. 1923 for the purpose of “Open Storage of Second Hand Motor Vehicles (including Private Cars and Tractors but excluding Trailers) with Ancillary Workshop and Office”.
- (c) No permission is given for occupation of the remaining GL with an area of about 62m<sup>2</sup> (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 Lot No. 52 RP in D.D. 105 is covered by Short Term Waiver (STW) No. 3766 to permit structures for the purpose of “Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractor but excluding Trailers) for Sale and Covered Works Area”.
- (e) The Site is accessible to Shek Wu Wai Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the 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) No heavy goods vehicle and container tractor with trailer is allowed to access the Site.
- (b) In addition, no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.
- (c) Should the application be approved, the following conditions should be incorporated:
  - (i) No heavy goods vehicle and container tractor with trailer is allowed to access the Site.
  - (ii) No vehicle is allowed to queue back to or reverse 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):

- (a) The proposed access arrangement of the Site from Shek Wu Wai Road should be commented by Transport Department.
- (b) His department does not and will not maintain any access connecting the Site and Shek Wu Wai Road. Presumably, the relevant departments will provide their comments, if any.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

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

## **Environment**

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

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as the proposed use will generate traffic of heavy vehicles and the Site is within 100m from the nearest sensitive use (i.e. residential dwellings are at 2-3m to the

western boundary of the Site) and environmental nuisance is expected (**Plan A-2**).

- (b) There was no environmental complaint related to the Site in the past 3 years.
- (c) The applicant is reminded that all waste water from the Site shall comply with the requirements stipulated in the Water Pollution Control Ordinance.
- (d) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Use and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.

### **Nature Conservation**

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

As the proposed development involves continuation of a use previously approved by the Board, 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 planning perspective.
- (b) The Site is the subject of 11 previous applications and he had no objection to the last application (No. A/YL-ST/461) for the same use from landscape planning perspective.
- (c) Comparing the aerial photos taken in 2017 and 2015, there are no significant changes in the rural landscape character of the area surrounding and within the Site, i.e. temporary structures, open storage yards, ponds, vegetated slope and tree groups. According to his site inspection taken on 6.7.2018, existing trees in fair to good condition are found within the Site. Further significant adverse impact arising from the proposed use is not anticipated.
- (d) Should the application be approved by the Board, the following approval condition is proposed:

The maintenance of all landscape planting within the Site to satisfactory healthy conditions 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 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;
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - (iii) good practice guidelines for open storage should be adhered to (**Appendix IV**).
- (c) Having considered the nature of the open storage, the following approval condition shall be added:

The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.
- (d) To address the additional condition suggested in paragraph 10.1.8 (c) above, the applicant is advised to submit a valid fire certificate (FS251) to his Department for approval.
- (e) The applicant should be 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 containers and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (e) 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) The applicant implemented the drainage facilities on site under previous planning Application No. A/YL-ST/461 and the drainage implementation works were considered satisfactory at that time. Under the current application, the applicant has to provide DSD with a set of latest record photographs showing the completed drainage works (including the internal conditions of the drains). He will then liaise with the applicant to arrange to carry out a joint site inspection for the completed drainage works with reference to the latest record 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 all drainage works on site under proper maintenance at all times.

### **Others**

#### 10.1.11 Comments of the Director of Food and Environmental Hygiene Department (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 DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (c) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

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

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.

### **District Officer's Comments**

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

His office has no comment on the application and the local comments

shall be submitted to the Board direct, if any.

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

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

## **11. Public Comments Received During Statutory Publication Period**

On 29.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.7.2018, no public comment was received.

## **12. Planning Considerations and Assessments**

12.1 According to the TPB PG-No. 13E, the Site falls within Category 3 areas. The following criteria are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate 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. 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. 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. The applied use is not incompatible with the surrounding land uses, comprising mainly vehicle parks, open storage yards and scattered residential dwellings.

- 12.3 The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 3 areas where previous planning approvals for the same use had been granted since 2002 (i.e. Applications Nos. A/YL-ST/179, 290, 365, 413 and 461). All the approval conditions of the previous permissions had been complied with. Concerned Government departments, including C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraph 13.2 (i) to (l) below. DEP does not support the application as there are sensitive receivers in the vicinity of the Site (the closest residential dwellings are at 2-3m to the western boundary of the Site) and environmental nuisance is expected. Nevertheless, there was no environmental complaint related to the Site in the past 3 years and no local objection was received for this application. To mitigate any potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours, the types of vehicles, activity on-site and requiring maintenance of existing drainage facilities, landscape planting, paving and boundary fencing, are recommended in paragraphs 13.2 (a) to (h) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.
- 12.4 The Site is subject of 5 previously approved applications for the same applied uses. Since 2008, the Committee has approved a total of 15 applications for similar uses within the same “R(D)” zone based on similar considerations. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 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 open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area 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 17.8.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 6:00p.m. and 9:00a.m. on weekdays and between 1:00p.m. and 9:00a.m. on Saturday, 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 cutting, dismantling, repairing and workshop activity, including container repairs and vehicle repairs, is allowed on the site at any time during the planning approval period;
  - (d) no heavy goods vehicle and container tractor with trailer is allowed to access the site at any time during the planning approval period;
  - (e) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
  - (f) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
  - (g) all landscape planting within the site shall be maintained at all times during the planning approval period;
  - (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
  - (i) the submission of as-built drainage plans 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 17.11.2018;
  - (j) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 28.9.2018;
  - (k) 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 17.2.2019;
  - (l) in relation to (k) 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 17.5.2019;
  - (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
  - (n) if any of the above planning conditions (i), (j), (k) or (l) 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



- (o) 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 at **Appendix V**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the occupation of the site for the temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area 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; and
- (b) the applicant fails to demonstrate that the temporary development would not have adverse environmental impacts on the surrounding area.

**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**

<b>Appendix I</b>	Application Form received on 22.6.2018
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	Further Information received on 1.8.2018
<b>Appendix II</b>	Previous s.16 applications covering the application site
<b>Appendix III</b>	Similar s.16 applications within "R(D)" zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
<b>Appendix IV</b>	Good practice guidelines for open storage issued by the D of FS

<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape and Tree Preservation Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2018**