

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/530

<u>Applicant</u>	: Ms. CHAN Sim Yuk represented by Top Bright Consultants Ltd.
<u>Site</u>	: Lots 244 S.B RP (Part), 252 RP (Part), 253 (Part), 254 (Part), 258 (Part), 266 (Part), 270 in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long, New Territories
<u>Site Area</u>	: 2,320 m ² (including about 110 m ² of GL)
<u>Land Status</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>	: Temporary Public Car Park with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public car park with ancillary office for a period of 3 years on the application site (the Site) (**Plan A-1a**). 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 7 previously approved applications (Nos. A/DPA/YL-ST/10, A/YL-ST/11, 251, 324, 346, 394 and 444) mainly for public car park with ancillary office uses (**Plan A-2**). The last Application No. A/YL-ST/444 submitted by the current applicant for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 9.5.2014 for a period of 3 years up to 9.5.2017. All the approval conditions in relation to the submission of an as-built drainage plan and photographic records of the existing drainage facilities, the submission and implementation of fire service installations (FSIs) proposal, the submission and implementation of a tree preservation proposal, and the submission of parking layout plan with dimensions 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 the northeast off Lok Ma Chau Road leading to Castle Peak Road – Chau Tau. In support of the application, the applicant has submitted a landscape and tree preservation proposal (**Drawing A-2**).
- 1.4 The major development parameters of the current application are the same as the last approved Application No. A/YL-ST/444 except there is change in car parking layout, an additional canopy of 30m² and an increase in building height from 2.4m to 2.5m. They are summarized below:

Major Development Parameters	Previous Approved Application No. A/YL-ST/444 (a)	Current Application No. A/YL-ST/530 (b)	Difference (b) – (a)
Development/ Use	Temporary public car park with ancillary office for a period of 3 years	Temporary public car park with ancillary office for a period of 3 years	-
Site Area	About 2,320m ² (including about 110m ² of GL)	About 2,320m ² (including about 110m ² of GL)	-
Total Floor Area	92.5m ²	122.5 m ²	+30m ²
No. of Structures	3	4 (including 2 containers for storage, 1 site office and 1 canopy)	+1 (canopy)
Height of structures	1 storey (2.4m)	1 storey (2.5m)	+0.1m
No. of Car Parking Spaces	- 73 spaces for private cars - 2 spaces for staff	- 73 spaces for private cars - 2 spaces for staff	-
Operation Hours	24 hours a day to serve those Hong Kong residents living in Huangguan	24 hours a day to serve those Hong Kong residents living in Huangguan	-

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 13.8.2018 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**

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 is a continuous demand for public car parking facilities near the Lok Ma Chau area. The Site is considered highly suitable for a public car parking facility to serve cross-boundary passengers and the applied use is also used by local villagers. The temporary nature of the application would not jeopardize the long term planning intention of the “U” zone. Besides, the Site falls outside the proposed scheme boundary of the Northern Link.
- (b) The applied use is compatible with the surrounding land uses including public car parks, open storage and port back-up uses. It would not involve any heavy vehicles and landscaping is provided to enhance the visual appearance of the public car park. Approval of the application would therefore not result in any interface problems with the surrounding areas.
- (c) There is no sensitive receiver such as residential settlement in the immediate vicinity. Furthermore, the development is bounded by similar facilities which form a buffer to minimize any possible environmental and visual impacts on the nearest residential settlements. As the Site had already been paved and fenced off, it is not expected to cause significant environmental impact on the surrounding areas.
- (d) Although the Site falls within the Wetland Buffer Area (WBA), it does not involve pond filling or is in close proximity to any fish ponds. The development would not have negative off-site impact on the ecological values of the nearby fish ponds.
- (e) The existing drainage facilities on the Site is considered sufficient to facilitate the collection of surface runoffs and to provide effective mitigation measures against any possible flooding in the area. The traffic generated by the development is insignificant and the existing road network is capable of handling traffic generated by the development.
- (f) The development is merely the continuation of a previously approved scheme. All approval conditions of the previous planning Application No. A/YL-ST/444 had been complied with. The approval of a number of similar applications within the same “U” zone indicates that the Site is suitable for the applied use.

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 San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL within the Site, the “owner’s consent/notification” requirements as set out in the 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 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 1 areas under the guidelines. While the applied use is not for open storage and port back-up uses, the Guidelines has made special reference to cross-boundary car parking facilities in the San Tin Area. The following criteria are relevant:

taking into account the increasing demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau may also be considered. Applications 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 subject to planning enforcement action against unauthorized development (UD) involving a use for place for parking of vehicles. Enforcement Notice was issued on 3.9.2018 requiring discontinuation of the UD. If the notice is not complied with, prosecution action may be taken.

6. Previous Applications

- 6.1 The Site (in whole or in part) is the subject of 7 previous applications (Nos. A/DPA/YL-ST/10, A/YL-ST/11, 251, 324, 346, 394 and 444) for similar uses (**Plan A-2**). They were all approved with conditions by the Committee.
- 6.2 Applications Nos. A/DPA/YL-ST/10 and A/YL-ST/11 for temporary container vehicle park submitted by a different applicant were approved by the Committee on 23.7.1993 and 18.10.1996 respectively for periods of 3 years mainly on the grounds that the proposed development was considered not incompatible with the surrounding land uses; and the site was in proximity to the Lok Ma Chau Border Crossing. All approval conditions of both applications had not been complied with and the two planning permissions lapsed on 23.7.1996 and 18.10.1999.
- 6.3 Application No. A/YL-ST/251 submitted by a different applicant for temporary public car park with ancillary office was approved by the Committee on 7.11.2003 for a period of 3 years mainly on the grounds that the public car park was not incompatible with the surrounding land uses; and the development could help alleviate the shortfall of park-and-ride facilities in the area. All approval conditions had been complied with.
- 6.4 Application No. A/YL-ST/324 submitted by the same applicant for the same use was approved by the Committee on 1.12.2006 for a period of 8 months to avoid additional traffic loading on Lok Ma Chau Road upon opening of the Lok Ma Chau Spur Line Public Transport Interchange. All the approval conditions had been complied with.
- 6.5 Applications Nos. A/YL-ST/346, 394 and 444 submitted by the same applicant for the same use was approved by the Committee on 1.2.2008, 28.1.2011 and 9.5.2014 respectively for periods of 3 years mainly on the grounds that the public car park was not incompatible with the surrounding land uses; and it could satisfy some of the local parking demand arising from the local villagers and cross-boundary travellers. All approval conditions in relation to the maintenance of drainage facilities, submission of a condition record of the existing drainage facilities, maintenance of landscape planting, and submission and implementation of fire service installations proposal had been complied with during the planning approval period. The last planning permission (Application No. A/YL-ST/444) expired on 9.5.2017.
- 6.6 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 Since 2009 within the same “U” zone on the OZP, there are 11 applications for similar temporary public vehicle park use. All the applications, except one, were approved by the Committee mainly on the consideration that the applied uses were not incompatible with the surrounding land uses; and the concerns of Government departments could be addressed by imposing approval conditions. Application No. A/YL-ST/417 with site straddling “U” (about 47%) and “GB” (about 53%) zones for the similar use was rejected by

the Board on review on 10.5.2013 for the reasons that the proposed development was not in line with the planning intention of “GB” zone; and development was not in line with TPB PG-No. 10 as the encroachment onto the “GB” zone had degraded the natural landscape of the concerned area.

- 7.2 Details of these 11 similar applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible at the northeast off Lok Ma Chau Road leading to Castle Peak Road – Chau Tau;
- (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 have the following characteristics:

- (a) to the immediate north is a temporary public vehicle park approved under Application No. A/YL-ST/513; and further north is unused land and graves;
- (b) to the immediate east is a storage yard and unused land; and further east is Lok Ma Chau Road, east across Lok Ma Chau road are a plant nursey, a storage yard, graves, open storage of construction materials, unused land and a pond; and
- (c) to the immediate south and immediate west is a temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) and ancillary facilities (including vehicle repair area, site offices and canteen), storage of metal ware and construction material, and cargo handling and forwarding facilities approved under Application No. A/YL-ST/501; further south is a temporary container vehicle park, open storage of containers and public car park approved under Application No. A/YL-ST/497.

9. Planning Intention

Under the “U” zone, any developments or redevelopments, except those permitted under the covering Notes of the OZP, require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, 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):

Without recent inspection, his comments based on the applicant's information are as follows:

- (a) The Site comprises an Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of the GL of about 110m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (c) The private land of the following lots are covered by Short Term Waivers (STWs) as below table:

<u>STW No.</u>	<u>Lot No. (in D.D. 99)</u>	<u>Purposes</u>
3274	252 RP	Ancillary Use to Temporary Car Park with Ancillary Office
3552	253	Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen) and Storage of Metal Ware and Construction Material
3781	244 S.B RP	Ancillary Office to Public Vehicle Park (excluding Container Vehicle)
4284	254	Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen) and Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities
4285	258	
4286	266	

- (d) The Site is accessible from Lok Ma Chau Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.

- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the planning application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Furthermore, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of 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 adverse comment on the application.
- (b) Should the application be approved, the following conditions should be incorporated:
 - (i) Only private car 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) His department does not and will not maintain any access connecting the Site and Lok Ma Chau Road. Presumably, the relevant departments will provide their comments, if any.
- (b) 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):

Part of the Site falls within the area of influence of the possible long term extension of Northern Link to Lok Ma Chau. However considering the temporary nature of this application, 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) No environmental related complaint related to the Site was recorded in the past 3 years.
- (c) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize potential environmental impacts on the surrounding areas.

Nature Conservation

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

As the Site is paved and the applied use is essentially the same as previously approved, he has no comment on the application from nature conservation point of view.

Landscaping

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

- (a) He has no objection to the application from the landscape planning point of view.
- (b) The Site is subject of 7 previous applications and he had no objection to the last planning application (Application No. A/YL-ST/444) for the same use from landscape planning perspective.
- (c) Compared with the aerial photo taken in 2013 and 2018, there is no significant change to the surrounding landscape since the application was last approved. Further significant impact on existing landscape arising from the applied use is not anticipated.
- (d) Should the application be approved by the TPB, the following approval condition is recommended to be included in the planning permission:

The maintenance of all landscape planting within the Site to satisfactory healthy conditions at all time during the planning approval period.

Drainage

10.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) He notes that the applicant implemented the drainage facilities on site under previous Application No. A/YL-ST/444 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 DSD the approved drainage proposal under Application No. A/YL-ST/444 (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 reference. As such, approval conditions on the submission and implementation of drainage proposal are recommended. 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 all drainage works on site under proper maintenance at all times.

Fire Safety

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

- (a) He has no objection in-principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of the D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

10.1.10 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. A Waterworks Reserve within 1.5 metres from the centreline of the water mains shall be provided to 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.
- (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.

Building Matters

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

- (a) There is no in-principle objection under the Buildings Ordinance (BO) to the applied use on the Site.
- (b) 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.
- (c) If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application.
- (d) Before any new building works (including containers and site office as temporary buildings) are to be carried out on the Site, the 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.
- (e) 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.
- (f) 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.
- (g) 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.

Others

10.1.12 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 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.

10.1.13 Comments of Commissioner of Police (C of P):

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

District Officer's Comments

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

He has no comment on the application and the local comments shall be submitted to the Board direct, if any.

10.2 The following government departments have no objection to or no comment on the application:

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

11. Public Comment Received During Statutory Publication Period

On 21.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 11.9.2018, no public comment was received.

12. Planning Considerations and Assessments

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

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

- 12.2 The Site falls within the “U” zone. According to the Explanatory Statement of the relevant OZP, any developments or redevelopments under the “U” zone, 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. The applied use is considered not incompatible with the surrounding land uses which are mostly vehicle parks, open storage yards and vehicle repair workshops (**Plans A-1a to A-2**).
- 12.3 The application is in line with the TPB PG-No. 13E which mentions that suitable sites in San Tin area may be considered for cross-boundary parking facilities based on individual merits. The Site falls within Category 1 area where favourable consideration will be given, and is located in the vicinity of the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers.
- 12.4 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 as the Site is paved and the applied use is essentially the same as previously approved.
- 12.5 Adverse environmental, traffic and infrastructural impacts on the surrounding areas are not anticipated. No environmental complaint related to the Site was recorded in the past 3 years. Concerned Government departments, including C for T, DEP, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, environmental, fire safety, drainage, and landscape aspects. Their technical concerns can be addressed by approval conditions as recommended in paragraph 13.2 (f) to (i) below. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the types of vehicles and activities on-site, and requiring maintenance of paving, boundary fencing and all existing landscape planting are recommended in paragraph 13.2 (a) to (e) 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 are 7 previous approved applications for similar uses on the Site mainly on the grounds that the public car park was not incompatible with the surrounding land uses and it could help satisfy some of the parking demand arising from cross-boundary travellers. Since 2009, the Committee has approved 10 applications for similar temporary public vehicle park uses within the same “U” 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 public car park with ancillary office 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 5.10.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle (excluding private car) is allowed to access the Site at all times during the planning approval period;
- (b) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;
- (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 maintenance of all landscape planting within the Site to healthy conditions at all times during the planning approval period to the satisfaction of the Director of Planning;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.4.2019;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.7.2019;

- (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 to the Town Planning Board by 5.4.2019;
- (i) in relation to (h) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or to the Town Planning Board by 5.7.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the 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 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 13.8.2018
Appendix Ia	Planning Statement
Appendix II	Previous s.16 applications covering the application site
Appendix III	Similar s.16 applications within “U” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation Proposal
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 4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2018**