

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/535

- Applicant** : Ko Tat Engineering Co. Ltd. represented by Top Bright Consultants Ltd.
- Site** : Lots 155 (Part) and 157 in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 1,333m² (including about 66 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without prior approval of the Government)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Residential (Group D)” (“R(D)”)
- Application** : Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance 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 parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires 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 uses without valid planning permission.
- 1.2 The Site (in whole or in part) is the subject of 10 previously approved applications (Nos. A/YL-ST/84, 96, 165, 191, 193, 281, 319, 374, 420 and 478) mainly for temporary container tractors/trailers parks, workshops and parking of lorry cranes for sale (**Plan A-1b**). The last Application No. A/YL-ST/478 submitted by the same applicant for the same use was approved by the Rural and

New Town Planning Committee (the Committee) of the Board on 9.10.2015 for a period of 3 years (**Plan A-1b**). All approval conditions had been complied with. The planning permission lapsed on 9.10.2018.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible from the north off Castle Peak Road – San Tin. Compared with the last approved application (No. A/YL-ST/478), there are increase in total gross floor area (GFA) and number of structures. A comparison of the major development parameters between the last and current applications are summarized as follows:

	Last Application No. A/YL-ST/478 (a)	Current Application No. A/YL-ST/535 (b)	Difference (b) – (a)
Applied Use	Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	Same	-
Site Area	1,330m ² (about 66 m ² of GL)	Same	-
Total GFA	698m ²	750m ²	+52m ²
No. of Structures	1 site office 1 ancillary maintenance workshop	1 site office 1 ancillary maintenance workshop 1 canopy for parking of lorry cranes for sale	+1 canopy for parking of lorry cranes for sale
Building Height	4.8-5m/1-2 storeys	Same	-
No. of Parking Spaces	5-6 parking spaces for lorry cranes	Same	-
Operation Hours	7:00a.m. to 7:00p.m. from Mondays to Saturdays, no operation on Sundays and Public Holidays	Same	-

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

- (a) Application form received on 29.11.2018 **(Appendix I)**
- (b) Planning statement **(Appendix Ia)**
- (c) Further information (FI) received on 2.1.2019 with drainage proposal and compliance letter and photographic records for the last approved application (No. A/YL-ST/478) **(Appendix Ib)**
- (d) FI received on 2.1.2019 with a revised layout plan and **(Appendix Ic)**

clarification on the number of storey of the site office

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) The Board has approved previous applications on the Site since 1999 and a number of similar applications in the vicinity. The applied use is acceptable within the “R(D)” zone. The applicant has fully complied with all approval conditions stipulated in the planning permission of Application No. A/YL-ST/478.
- (b) The sales of lorry cranes can serve the residential developments and recycling businesses in San Tin and Ngau Tam Mei. There are very limited suitable areas and sites for vehicles related business are in great demand.
- (c) According to the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), the Site falls within “Category 2” 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 in that the Site is not in a flood prone area and would not obstruct natural drainage channels and overland flow. There are no sensitive receivers nearby (the nearest village settlements are 350m away from the Site).
- (d) The temporary use does not contravene the planning intention of “R(D)” zone as there is no planned or committed development programme for any residential development on the Site. It is compatible with the surrounding areas comprising open storage yards, logistics centre, cargo handling and forwarding facilities, and vehicle repair workshops.
- (e) No adverse environmental and traffic impacts are anticipated.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by 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 GL, the “owner’s consent/notification” requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

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 guideline. The following criteria are relevant.

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 use on the Site would be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of 10 previous applications (Nos. A/YL-ST/84, 96, 165, 191, 193, 281, 319, 374, 420 and 478). Some of them involved a large site area covering adjoining land. Except for Application Nos. A/YL-ST/165 and 193, other applications were approved by the Committee (**Plan A-1b**). For the 8 approved applications, 5 are for the same applied use for parking of lorry cranes with maintenance depot, with the remaining 3 for container vehicle parks.
- 6.2 Applications Nos. A/YL-ST/84 and 96 for proposed temporary container tractor/trailer parks were approved by the Committee on 28.5.1999 and 10.9.1999 respectively for periods of 12 months mainly on the consideration that the proposed developments were not incompatible with the adjacent open storage uses and container trailer parks, and favourable consideration was given to the Site as an interim arrangement to alleviate the acute shortage of port back-up land in the area.
- 6.3 Application No. A/YL-ST/165 for temporary container tractor/trailer park with ancillary repair area was rejected by the Committee on 30.3.2001 for reasons that there was insufficient information in the submission to demonstrate that the developments would not have adverse environmental, drainage and sewerage impacts on the surrounding areas particularly the nearby residential use and the Deep Bay area; and the approval of the application would set an undesirable precedent for similar applications, and the cumulative effect of approving such similar applications would result in general degradation of the ecology and environment in the area.
- 6.4 Application No. A/YL-ST/191 for temporary parking of container tractors/trailers with vehicle repair areas and canteen was approved by the Committee on 15.3.2002 for a period of 3 years mainly on the consideration that previous planning approvals for similar use on the Site had been given and similar applications in the vicinity of the Site had been approved.
- 6.5 Application No. A/YL-ST/193 for temporary car repair/spray workshop, open storage of metal wares and vehicle parts and parking of crane lorries was

rejected by the Committee on 12.4.2002 for the reason that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage, sewerage and traffic impacts on the surrounding areas particularly the nearby residential structures and the Deep Bay area.

- 6.6 Application No. A/YL-ST/281 for temporary maintenance depot for cranes was approved by the Board upon review on 7.10.2005 for a period of 12 months with its applied use revised to 'Parking of lorry cranes for sale with ancillary maintenance workshop' and approved mainly on the consideration that the sale of cranes would cause less traffic and nuisances to the surroundings and would be environmentally more desirable than the maintenance depot for cranes.
- 6.7 Applications Nos. A/YL-ST/319, 374, 420 and 478 for same applied use as the current application were approved by the Committee on 29.9.2006, 18.9.2009, 7.9.2012 and 9.10.2015 respectively for periods of 3 years, mainly on the considerations that the proposed developments were not incompatible with the surrounding land uses and previous planning approvals for similar uses on the Site had been given; and the developments were in line with TPB PG-No. 13E. For the last application No. A/YL-ST/478, all approval conditions including those in relation to the maintenance of drainage facilities, the submission of as-built drainage plan and photographic records of the existing drainage facilities, the submission of proposal on buffer area, the provision of buffer area, the submission of FSIs proposals and the provision of FSIs, and the implementation of accepted tree preservation proposal had been complied with. The planning permission lapsed on 9.10.2018.
- 6.8 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 Since 2009, 16 applications covering 6 sites for similar uses within the same "R(D)" zone on the OZP (**Plan A-1a**) were approved by the Committee mainly on the consideration that the proposed developments were considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the "R(D)" zone. To the west of the Site is a temporary public vehicle park (including container vehicles and heavy goods vehicles) (Application No. A/YL-ST/526) approved by the Committee on 20.7.2018 for a period of 3 years; and to the further west of the Site is a temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office (Application No. A/YL-ST/527) approved by the Committee on 3.8.2018 for a period of 3 years.
- 7.2 Details of these 16 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 from the north off Castle Peak Road – San Tin;
- (b) located outside the Wetland Buffer Area of Deep Bay; and
- (c) currently used for the applied uses without valid planning permission.

8.2 The surrounding areas are mainly parking of vehicle, storage yards and port back-up facilities. Some of the storage and parking of vehicle uses are suspected unauthorized development (UD) subject to enforcement action by the Planning Authority:

- (a) to the north is Castle Peak Road – San Tin. To the further north across the road are residential dwellings and a temporary logistics centre with ancillary container vehicle park, vehicle repair workshop and car beauty service approved under Application No. A/YL-ST/512. To the further northwest are open storage of construction machinery, parking of vehicles, vehicle repair workshop and vacant land. To the further northeast are storage, temporary cargo handling and forwarding facilities with tyre repair workshop approved under Application No. A/YL-ST/525, and temporary retail shop (container tractors, medium goods vehicles and vehicle parts and building materials) approved under Application No. A/YL-ST/484;
- (b) to the west are open storage of container vehicles and heavy vehicles approved under Application No. A/YL-ST/526, temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office under Application No. A/YL-ST/527, amenity area, and unused land; and
- (c) to the south and east are parking of vehicles, warehouse and workshop and open storage of scrap metal.

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) The GL of the Site is covered by a Short Term Tenancy (STT) No. 2650 for the purpose of “Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop”.
- (c) The private land of Lot Nos. 155 and 157 in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3670 and 3671 respectively to permit structures for the purpose of “Ancillary Structures to Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop”.
- (d) The Site is accessible from 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.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject planning application, the STT/STW holders will need to apply to his office for modification of STT/STW conditions where appropriate. Besides, given the proposed 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. 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 application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

He has no comment on the application. Should the application be approved, the following conditions should be incorporated:

- (a) Only lorry crane (vehicle length not over 7m) is allowed to access the Site.

- (b) 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 Castle Peak Road – San Tin should be commented by C for T.
- (b) HyD does not and will not maintain any access connecting the Site and Castle Peak Road – San Tin. The applicant should be responsible for his own access arrangement. 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 boundary, 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”, he does not support the application as the applied use will generate traffic of heavy vehicles and the Site is within 100m from the nearest sensitive use (i.e. residential dwellings at about 18m north 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.

Nature Conservation

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

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

Landscape

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

- (a) The Site, located to south of Castle Peak Road (San Tin Section) and east of Shek Wu Wai Road, falls within an area zoned "R(D)" on the approved San Tin OZP No. S/YL-ST/8. The Site is the subject of 10 previous Applications. The last Application No. A/YL-ST/478 for the same applied use, to which he has no objection to the application from landscape planning perspective, was approved with conditions by the Committee on 9.10.2015.
- (b) He compared the aerial photos of 2015 to the latest aerial photo of 2018, and there is no significant change in the rural-landscape characters where the Site is located. The surrounding area comprises of vehicle park, temporary structures and scattered tree groups. The proposed use is considered not incompatible with the existing landscape setting in proximity.
- (c) According to his site visit conducted on 11.12.2018, the Site was fenced off and hard paved with temporary structures erected. Existing trees within the Site were in fair to good condition. According to the paragraph 5.04 of the supplementary planning statement, all existing trees will be preserved. As further adverse landscape impact arising from the proposed use is not anticipated, he has no objection to the application from landscape planning perspective.
- (d) Should the Board approve the application, he would suggest including the following condition in planning approval:

Existing trees within the application Site shall be maintained in healthy condition at all times during the approval period.
- (e) The applicant may make reference to the following promulgated by Greening, Landscape and Tree Management (GLTM) Section of Development Bureau (DEVB), for good horticultural practice:

減低樹木風險的樹木護養簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

樹木管理手冊

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/handbook_TM/HTM_tc_Full_version.pdf

護養樹木的簡易圖解

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

Fire Safety

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (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) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (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 proposed in the application.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.

- (d) 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 UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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 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 Building (Planning) Regulations at the building plan submission stage.

Drainage

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant implemented the drainage facilities on site under previous planning Application No. A/YL-ST/478 and the drainage implementation works were considered satisfactory at that time. Under the current application, the planning area is not much different from the previous application. The applicant has submitted FI on 2.1.2019 to confirm that the same proposed drainage facilities would be adopted and provide the approved drainage proposal under planning application No. A/YL-ST/478 (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. Upon joint site inspection with the applicant's representative, construction of the drainage facilities has been completed to his satisfaction and he has no further comment on the FI.
- (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 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 Commissioner of Police (C of P):

He has no comment in principle subject to there being no causing of illegal parking at Castle Peak Road.

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 FEHD is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public 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

10.1.13 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 should be submitted to the Board directly, if any.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West) (PM(W)), 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 7.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 28.12.2018, no public comment was received.

12. Planning Considerations and Assessments

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

Category 2 areas: 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 application is for temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years. The Site falls within the “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. Although the applied use for temporary parking of lorry cranes for sale with ancillary maintenance workshop is not in line with the planning intention of the “R(D)” zone, 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 open storage yards, logistics centre and facilities, vehicle parks and vehicle repair workshop.

12.3 The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 2 areas where previous planning approvals for the same applied use had been granted since 2005 (i.e. Applications Nos. A/YL-ST/281, 319, 374, 420 and 478). The last Application No. A/YL-ST/478 submitted by the same applicant for

the same use was approved by the Committee on 9.10.2015 for a period of 3 years. All approval conditions had been complied with by the applicant. The planning permission lapsed on 9.10.2018.

- 12.4 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. DEP does not support the application as there are sensitive uses nearby and environmental nuisance is expected. On this issue, it should be noted that the nearest dwelling is at about 18m to the north of the Site, which is separated from the Site by Castle Peak Road - San Tin. There was no environmental complaint related to the Site in the past 3 years. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and the type of vehicles, and requiring maintenance of existing trees, drainage facilities, paving and boundary fencing are recommended in paragraphs 13.2 (a) to (g) 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”. The technical requirements of D of FS could be addressed by approval conditions as recommended in paragraph 13.2 (h) to (i) below.
- 12.5 The Site is subject of 5 previous applications approved by the Committee for the same lorry crane parking use. Since 2009, the Committee has approved a total of 16 applications for similar container parking use within the same “R(D)” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 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 parking of lorry cranes for sale with ancillary maintenance 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 18.1.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:00p.m. and 7:00a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) only lorry crane (vehicle length not over 7m) is allowed to access the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the paving and boundary fencing on the Site shall be maintained at all times during planning approval period;
- (g) the existing trees within the Site shall be maintained in healthy condition at all times during the approval period;
- (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 18.7.2019;
- (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 18.10.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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; and
- (k) if any of the above planning conditions (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.

Advisory clauses

The recommended advisory clauses are 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 occupation of the Site for the temporary parking of lorry cranes for sale with ancillary maintenance 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 the planning 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 of 29.11.2018
Appendix Ia	Planning Statement
Appendix Ib	Further information received on 2.1.2019 on drainage submission
Appendix Ic	Further information received on 2.1.2019 with revised layout
Appendix II	Previous s.16 applications covering the application site
Appendix III	Similar s.16 applications within “R(D)” zone on the San Tin OZP No. S/YL-ST/8
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4	Site Photos