

RNTPC Paper No. A/YL-ST/544
For Consideration by
the Rural and New Town
Planning Committee
on 31.5.2019

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

APPLICATION NO. A/YL-ST/544

- Applicant** : Abundant Holding Limited represented by Lanbase Surveyors Limited
- Site** : Lots 372S.D RP (Part), 378, 379, 380, 382 (Part), 383 (Part), 385, 389 RP (Part) and 390 in D.D. 99, San Tin, Yuen Long
- Site Area** : About 8,475m²
- 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** : “Green Belt” (“GB”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for renewal of the planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years. The application site (the Site) is currently used for the applied use with valid planning permission under Application No. A/YL-ST/487 (valid up to 5.7.2019).
- 1.2 The Site (in whole or in part) is the subject of 8 previously approved applications (Nos. A/YL-ST/234, 292, 337, 347, 362, 410, 434 and 487) for temporary public vehicle parks. The last Application No. A/YL-ST/487 submitted by the same 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

ko13.5.2016 for a period of 3 years until 5.7.2019 (**Plan A-1b**). All approval conditions have been complied with.

- 1.3 As shown on the layout plan at **Plan A-2**, the Site is accessible from the south via a local track leading to Castle Peak Road – Chau Tau. Compared with the previously approved Application No. A/YL-ST/487, the development parameters and layout under the current renewal application are the same. They are summarized below:

Development/Use	Temporary public vehicle park (excluding container vehicle) for a period of 3 years
Site Area	about 8,475m ²
No. of Structure	1
Total Floor Area	about 14.64 m ²
Maximum Building Height	1 storey (2.6m)
No. of Car Parking Spaces	147
Operation Hours	24 hours daily

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

- (a) Application Form received on 2.4.2019 **(Appendix I)**
- (b) Supplementary 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 5 of Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The Site is located at the southern fringe of the “GB” zone and the applied use can provide a supporting facility to cater for the parking need from those people catching shuttle bus at Lok Ma Chau Public Transport Interchange for cross-boundary travel in the area.
- (b) The applied use is compatible with the surrounding uses in the area. As the nearest villages are located at about 100m away from the Site, no interface problems with the villagers are anticipated.
- (c) The Site was the subject of previous planning permissions for temporary public vehicle park (excluding container vehicle). The parking facilities and the site conditions remain similar to the previous planning permission. All the approval conditions imposed on the previous planning application No. A/YL-ST/487 have been complied with.

- (d) There were approved applications for similar uses in the surrounding areas. The granting of these permissions indicated that the temporary public vehicle park is considered suitable for the Site.
- (e) The applicant would strictly prohibit vehicles without valid licences to be parked/stored on the Site. A number of large-sized notices have been posted at prominent locations of the Site to indicate prohibition of vehicles without valid licenses to be parked/stored on the Site. The applicant would also conduct daily inspection to ensure no vehicle without valid licences on the Site, and would take immediate action to remove vehicles without valid licenses from the Site.
- (f) The proposed temporary development would not change the existing site conditions for providing private car parking spaces. Therefore, additional traffic, drainage and environmental impacts are not 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 by local courier post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)

- 4.1 According to TPB PG-No. 34C, the criteria for assessing applications for renewal of planning approval are as follows:
- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/ land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable;
 - (e) any other relevant considerations; and

- (f) the approval period for renewal should not be longer than the original validity period of the temporary approval.

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

- 4.2 According to TPB PG-No. 12C, the Site falls partly within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:
- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
 - (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

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

- 4.3 TPB PG-No.13E provides guidelines for open storage and port back-up uses. The Site falls within Category 4 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.

Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)

- 4.4 According to TPB PG-No. 10, the relevant assessment criteria are summarized as follows:
- (a) there is a general presumption against development (other than redevelopment) in “GB” zone;
 - (b) an application for new development in “GB” zone will only be considered in

exceptional circumstances and must be justified with very strong planning grounds;

- (c) the design and layout of any proposed development should be compatible with the surrounding areas. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (d) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided; and
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area.

5. Background

The Site is not the subject of any enforcement action.

6. Previous Applications

- 6.1 The Site (in whole or in part) is the subject of 10 previous applications (Nos. A/YL-ST/147, 211, 234, 292, 337, 347, 362, 410, 434 and 487). Except for the first 2 applications, all the remaining 8 applications were approved by the Committee.
- 6.2 Application Nos. A/YL-ST/147 and 211 for similar temporary vehicle parks on larger sites were rejected by the Board upon review on 25.5.2001 and 28.2.2003 respectively mainly for the reasons that the proposed developments were not in line with the planning intention of the “GB” zone, involve heavy vehicles and there were insufficient information in the submissions to demonstrate that the proposed developments would not have adverse impacts on the surroundings from aspects including environmental and drainage.
- 6.3 Application Nos. A/YL-ST/234, 292, 337, 347, 362, 410 and 434 generally on the same site for similar temporary public car/vehicle park uses (excluding container vehicles) were approved by the Committee or the Board upon review between 2003 and 2013 for periods ranging from eight months to 2 to 3 years. Application No. A/YL-ST/234 was approved by the Board upon review on consideration that there was then an acute shortage of car parking spaces in the San Tin area due to increasing usage rate of the Lok Ma Chau Control Point; the shortage of car parking spaces in the area was a major concern of the community; and the applicant had made efforts to address the technical problems raised by concerned departments including the drainage issue. Subsequent applications/ renewal applications (Nos. A/YL-ST/292, 337, 347, 362, 410 and 434) were approved for the continuation of the temporary public

vehicle park use mainly on consideration that there were high demand for cross-boundary car parking facilities in San Tin area, particularly near the Lok Ma Chau Control Point; that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “GB” zone; and the temporary developments were not incompatible with the surrounding land uses and could satisfy the parking demand arising from the local villagers and cross-boundary travelers. Planning permissions of application Nos. A/YL-ST/234, 337, 347 and 410 were subsequently revoked.

- 6.4 The last application (No. A/YL-ST/487) which is a renewal application of Application No. A/YL-ST/434 submitted by the same applicant for the same use was approved by the Committee on 13.5.2016 on similar grounds for a period of 3 years until 5.7.2019. All approval conditions, including the setting back of site boundary, the submission of drainage records, and the submission and provision of fire service installations (FSIs) proposals, have been complied with.
- 6.5 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 Since 2008, there was no similar applications involving wholly “GB” zone but there are three applications for similar parking uses within the same “GB” zone and adjacent “U” zone on the OZP, two applications were approved while one was rejected.
- 7.2 Applications Nos. A/YL-ST/400 and 448 generally on the same site falling mainly within “U” zone with only slight encroachment onto “GB” zone (5.5% for the former and 6.3% for the latter) were approved for periods of 3 years on 1.4.2001 and 12.9.2014 respectively mainly on the grounds that the developments were not incompatible with the surrounding land uses, the concerned “GB” portion was only used as landscaped area and the concerns of Government departments could be addressed by imposing approval conditions. However, Application No. A/YL-ST/400 was subsequently revoked on 1.1.2013.
- 7.3 Application No. A/YL-ST/417 falling mainly within “GB” (53%) and partly on “U” zone (47%) was rejected by the Board upon review on 10.5.2013 mainly on the grounds that the proposed development was not in line with the planning intention of “GB” and would set an undesirable precedent for similar applications; and there was insufficient information to demonstrate the proposed development would not have adverse impact on the surrounding area.
- 7.4 Details of the 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-4b)

8.1 The Site is:

- (a) accessible from the south via a local track leading to Castle Peak Road – Chau Tau;
- (b) currently used for the applied use with valid planning permission; and
- (c) partly located within the WBA (about 14%).

8.2 The surrounding areas are predominated by public vehicle parks, unused, vacant and cultivated agricultural land, and village settlement. Some car parking uses are unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to the immediate north is Chau Tau South Road. To the further north are Chau Tau Tsuen Floodwater Pumping Station, pond, cultivated agricultural land, unused land, and the village settlement of Chau Tau Tsuen;
- (b) to the west are unused and vacant land, and Chau Tau West Road;
- (c) to the south are unused land, nullah, Lok Ma Chau Spur Line Chau Tau Ventilation Building. To the further south across Lok Ma Chau Road is a car park and a temporary public vehicle park with ancillary facilities approved under Application No. A/YL-ST/523; and
- (d) to the east are vacant, cultivated agricultural land and fish farm.

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the zone.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application and the public comment 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 a New Grant Agricultural Lot and Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The private land of Lot No. 380 in D.D. 99 is covered by Short Term Waiver (STW) No. 3719 to permit structures for the purpose of “Ancillary Structures to Temporary Public Vehicle Park (Excluding Container Vehicle)”.
- (c) The private lot No. 372 S.D RP in D.D. 99. is covered by STWs to permit structures for the purpose of “Temporary Vehicle Park (including Container Vehicles), Temporary Public Vehicle Park (including Private Cars, Container Vehicles, Heavy Goods Vehicles and Lok Ma Chau – Huanggang Cross Boundary Shuttle Busses only) with Ancillary Facilities (including Vehicle Repair Area, Site Offices, Canteen and a Refreshment Kiosk), Storage of Containers, Storage of New Unlicensed Container Tractors, Storage of Metal Ware and Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and Related Parts/Accessories), Vehicle Repair and Services, Ancillary Office and Cargo Handling and Forwarding Facilities”.
- (d) The Site is accessible from Castle Peak Road – Chau Tau through Government land (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 application, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. Moreover, the lots owner of the lot(s) without STW will need to apply to his office for permitting for the structures to be erected or regularize any irregularities 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. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord as 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 the payment of premium or fee, as may be imposed by LandsD.

Traffic

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

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD).

The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

- (b) His office received several enquiries on the need of motorcycle parking at San Tin area. The applicant is invited to consider providing motorcycle parking spaces within the Site.
- (c) 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) The proposed access arrangement of the Site from Castle Peak Road – Chau Tau should be commented by TD.
- (b) HyD does not and will not maintain any access connecting the Site and Castle Peak Road – Chau Tau. The applicant should be responsible for his own access arrangement. 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.
- (d) Part of the Site falls within the Administrative Route Protection Boundary of Northern Link and Railway Development Office of HyD will provide comments separately, if any.

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

The Site falls within the protection boundary of the East Rail Line. As the operation of the existing railway system is not under the jurisdiction of his office, 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 has no objection to the application.
- (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):

Given the Site has been hard-paved and used for the same applied use as previously approved, 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 the south of Chau Tau South Road and north of Castle Peak Road, falls within an area zoned “GB” on the OZP. The Site is the subject of 10 previous applications. The last Application No. A/YL-ST/487 for the same use on the same site boundary, to which he has no objection from the landscape planning perspective, was approved with conditions by the Committee on 13.5.2016.
- (b) With reference to the aerial photo taken in 2018, the surrounding area of the Site is comprised of car parks, farmlands, vacant site and tree groups. The applied use is considered not incompatible with existing landscape setting in proximity.
- (c) According to his site visit conducted on 18.4.2019, the Site was fenced off, hard paved and in operation. Existing trees of common species located along the site boundary and in the northern part of the Site were in fair to good conditions. As further adverse landscape impact arising from the continued use of public vehicle park is not anticipated, he has no objection to the application from the landscape planning perspective.
- (d) In view that clustered tree groups are found in the vicinity of the Site and there is no prominent public frontage along the site boundary, he does not recommend any landscape condition, should the application be approved by the Board.

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. 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.
 - (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) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD 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.
- (c) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designed for any proposed use under the captioned application.
- (d) 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.

- (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 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 from drainage operation and maintenance point of view.
- (b) He notes that the application is related to the previous planning application No. A/YL-ST/487 with information submitted for reference. However, the site photos included in the information are considered unacceptable. Under the current application, the applicant is requested to provide a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with corresponding photograph locations marked clearly on the approved drainage plan. DSD will then review the proposals accordingly.
- (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 Commissioner of Police (C of P):

- (a) He has no comment on the application.
- (b) The applicant is reminded that obstruction to the adjacent road access would not be tolerated.

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

The southern portion of the Site straddles in the project limit of “Development of Lok Ma Chau Loop – Main Works Package 1 – Construction”. He is now reviewing the project design in order to avoid any interface issue. Notwithstanding this, he has no objection to the application.

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

If the proposal involves any commercial/trading activities, its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

10.1.14 Comments of the Director of Electrical and Mechanical Services (DEMS):

The applicant shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the applicant shall carry out the following measures:

- (a) If the Site is within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by PlanD, prior consultation and arrangement with CLP Power is necessary.
- (b) Prior to establishing any structure within the Site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure;
- (c) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established

under the Regulation shall be observed by the applicant when carrying out works in the vicinity of the electricity supply lines.

District Officer's Comment

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

His office has no comment on the application and the local comments 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Head of the Geotechnical Engineering Office H(GEO), CEDD; and
- (c) Director of Leisure and Cultural Services (DLCS).

11. Public Comments Received During Statutory Publication Period

On 9.4.2019, the application was published for public inspection. During the first three weeks of the statutory publication period, which ended on 30.4.2019, two objecting public comments were received from Designing Hong Kong and a member of the public (**Appendix IV**) raising concerns that the proposed development was not in line with the planning intention of the "GB" zone; approval of application would set undesirable precedent and inappropriate land use; the size of the applied vehicle park use should be minimized; and the parking spaces should be accommodated in stacked facilities.

12. Planning Considerations and Assessments

12.1 The application is for renewal of the planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years. The planning intention of the "GB" zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the zone. Although the temporary public vehicle park is not in line with the planning intention of the "GB" zone, it can satisfy some of the local parking demand arising from local travellers to the Mainland as the Site is located near Lok Ma Chau Control Point. Besides, approval of the application on a temporary basis would not frustrate the long-term planning intention of the subject "GB" zone and the applicant will be required to reinstate the Site to an amenity area upon expiry of the planning permission, as recommended in paragraph 13.2 (m) below. The applied use is considered not incompatible with the surrounding areas that are predominated by public vehicle parks, unused, vacant and cultivated agricultural lands, and village settlement.

12.2 The current application is for the renewal of the permission under Application

No. A/YL-ST/487 for the same use for a further period of 3 years. The renewal is in line with TPB Guidelines PG-No. 34C in that (i) since the last approval, there has been no major change in planning circumstances; (ii) Government departments concerned have no major adverse comment on the application, adverse implications arising from the renewal of the planning approval are not expected; (iii) all the approval conditions under the previous approval have been complied with; and (iv) the temporary development for another 3 years will not jeopardize the long-term planning intention of the “GB” zone.

- 12.3 A small part of the Site falls partly within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no comment on the application from nature conservation point of view as the Site has been hard-paved and used for the same applied use previously approved.
- 12.4 The application is in line with the TPB PG No. 13E. According to guidelines, suitable sites in San Tin area may be considered for cross-boundary parking facilities based on individual merits. The Site is located in the vicinity of the Lok Ma Chau Control Point. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers. Adverse environmental, traffic and infrastructural impacts on the surrounding areas are not anticipated. Concerned Government departments, including DEP, 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 environmental, traffic, fire safety, drainage and landscape aspects respectively. There was no environmental complaint related to the site in the past 3 years. To mitigate potential environmental impacts and address technical concerns, approval conditions restricting the type of vehicles and activity on-site, and requiring maintenance of paving, boundary fencing and existing drainage, submission of drainage records, and submission and implementation of FSIs proposal on the Site are recommended in paragraphs 13.2 (a) to (j) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 12.5 The Site (in whole or in part) is the subject of 8 previously approved applications (Nos. A/YL-ST/234, 292, 337, 347, 362, 410, 434 and 487) for the same temporary public vehicle park use. The last Application No. A/YL-ST/487 submitted by the same applicant for the same use was approved by the Committee on 13.5.2016 for a period of 3 years until 5.7.2019. All approval conditions have been complied with. Since 2008, the Committee has approved 2 applications for similar parking use within the same “GB” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There are two objecting public comments raising objection on grounds of the planning intention of the “GB” zone, setting undesirable precedent, and the excessive size of the applied vehicle park use. The departmental comments and planning assessment above are of relevance.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department considers that the temporary public vehicle park (excluding container vehicle) could be tolerated for a further period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 6.7.2019 until 5.7.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle other than private cars as defined in the Road Traffic Ordinance is allowed to access the Site at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to access the Site at any time during the planning approval period;
- (c) 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 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) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site at any time during the planning approval period;
- (f) the paving and boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of as-built drainage plans and photographic records of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.10.2019;
- (i) the submission of fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.1.2020;

- (j) in relation to (i) above, the provision of fire service installations within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.4.2020;
- (k) 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;
- (l) if any of the above planning conditions (h), (i) or (j) 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
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[Except for the deletion of conditions requiring the setting back of the site boundary and maintenance of landscape planting, and addition of condition (d) to accord with the latest circumstances and departmental comments, all the other conditions are the same as those imposed under the previously approved application No. A/YL-ST/487.]

Advisory clauses

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

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

the temporary public vehicle park (excluding container vehicle) is not in line with the planning intention of the "GB" zone which is to define the limits of urban development areas by natural features and to contain urban sprawl. There is a general presumption against development. The applicant fails to provide strong planning justification for departing 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 renewal of 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 received on 2.4.2019
Appendix Ia	Planning Statement
Appendix II	Previous s.16 applications covering the application site
Appendix III	Similar s.16 applications within the same “GB” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
Appendix IV	Public comments received during statutory publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2019**