

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

APPLICATION NO. A/YL-ST/575

- Applicant** : Howan Limited represented by Lanbase Surveyors Limited
- Site** : Lots No. 372 S.D RP (Part), 743 RP (Part) and 744 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long, New Territories
- Site Area** : About 36,503m² (including about 723m² Government Land (GL) (about 1.98%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Other Specified Uses” annotated “Service Stations” (“OU(SS)”)
- Application** : Renewal of Planning Approval for Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Offices for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container tractors, storage of construction materials, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a period of 3 years. The Site falls within an area zoned “OU(SS)” on the Approved San Tin OZP No. S/YL-ST/8 (**Plan A-1**). The Site is currently used for the applied uses under the application No. A/YL-ST/506 which was valid until 22.8.2020.
- 1.2 According to the Notes for the “OU(SS)” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’, ‘Container Vehicle Park/Container Vehicle

Repair Yard’, ‘Container Storage/ Repair Yard’, ‘Shop and Services’ and ‘Office’ are Column 2 uses, which require permission from the Town Planning Board (the Board). ‘Storage of new unlicensed vehicles’, ‘storage of construction materials’, ‘tyre repair workshop’ and ‘vehicle repair workshop’ are neither Column 1 nor Column 2 uses. Temporary use not exceeding a period of three years requires planning permission from the Board, notwithstanding that the use or development is not provided for in terms of the OZP.

- 1.3 The Site (in whole or in part) is the subject of 11 previously approved applications, all for temporary container vehicle park, open storage of containers and/or other port back-up uses (**Plan A-1b**). The last application No. A/YL-ST/506 for the same use as the current application was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 11.8.2017 for a period of 3 years until 22.8.2020 (**Plan A-1b**). All approval conditions had been complied with.
- 1.4 As shown on the layout plan at **Drawing A-1** and **Plans A-2 and A-3**, the Site is accessible at the northeast via a local track off Tun Yu Road leading to Castle Peak Road – San Tin. The major parameters of the current application are the same as the last approved Application No. A/YL-ST/506. They are summarized below:

Site Area	About 36,503m ² (including about 723m ² GL)
No. of structures (Building height, no. of storeys)	19 structures (2.6m to 8m, 1 to 2 storey(s))
Total floor area	About 14,136.2m ²
No. of car parking spaces	3 (private cars) 1 (container vehicle) 1 (heavy goods vehicle)
No. of Loading/ Unloading spaces	1
Operation Hours	8:00a.m. to 11:00p.m., Mondays to Saturdays 10:00a.m. to 5:00p.m., Sundays and public holidays

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 11.6.2020 (**Appendix I**)
 - (b) Planning Statement (**Appendix Ia**)
- 1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.8.2020 (the previous application was valid up to 22.8.2020) for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) The Site was the subject of six previously approved applications including No. A/YL-ST/312, 363, 411, 438, 447 and 506 for port back-up uses. The current applied uses are identical to those of previously approved planning application No. A/YL-ST/506. Without major change of planning circumstances, it is considered that the applied use should be allowed at the Site.
- (b) All approval conditions under previously approved application No. A/YL-ST/506 have been complied with. The existing facilities such as landscape planting and drainage facilities would remain unchanged and be well maintained.
- (c) The applied uses are intended to provide support service facilities for the cross-boundary traffic and the container related facilities nearby. In this regard, the development is considered in line with the planning intention of the “OU(SS)” zone.
- (d) The development is compatible with the adjacent vehicle parks, open storage and other port back-up uses, and the public transport interchange. As the nearest villages are located at about 100 metres away from the Site, no interface problem with the villagers is anticipated. The application should be sympathetically considered by the Board.
- (e) There were four planning applications (No. A/YL-ST/342, 354, 424 and 445) for similar port back-up use of temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, tyre repair workshop, office and services trades) under the “OU(SS)” approved by the Board in the surrounding area. As such, the use should be allowed at the Site.
- (f) Since there is a high demand for port back-up uses for supporting the cross-border activities, many sites surrounding Lok Ma Chau have been converted to port back-up uses. With the close proximity to the border area and strategic road network, the Site has become an important port back-up site in Lok Ma Chau for many years. The applied use at the Site would continue to provide port back-up uses to cope with the demand.
- (g) Although the Site is located within the Area of Influence for the Northern Link (NOL), it is located far away from the proposed NOL alignment. The applicant is willing to vacate the influenced area for construction of the proposed NOL, should the Government require. Therefore, the applied use would not have impact on the NOL.
- (h) The Site has been operated for similar and the same port back-up uses under previous planning applications for many years. The applied uses are similar to the previously approved port back-up uses, and there would not be major changes in

site conditions. 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 notifying the concerned land owners through publishing newspaper notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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

4.1 The Site falls within Category 2 areas under TPB PG-No. 13F. The following criteria are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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. 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.

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)

4.2 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)

4.3 According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
- (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; and
- (c) open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

6.1 The Site was involved in 15 previous applications, of which 11 were approved and 4 were rejected. Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

4 rejected applications

6.2 Applications No. A/YL-ST/95, 103, 200 and 295 mainly for temporary container vehicle park and container storage area were rejected/dismissed by the Committee/Board upon review/Town Planning Appeal Board between 2000 and 2006 mainly for the reasons that there was insufficient information in the submissions to demonstrate that due regard had been given to minimize the adverse impacts of the development including drainage, traffic, sewerage, environment and ecology on the surrounding areas.

11 approved applications

- 6.3 Applications No. A/YL-ST/12, 60, 94, 157, 167 and 312 mainly for temporary container vehicle park and container storage area were approved by the Committee between 1996 and 2006 for 12 months to 3 years mainly on the grounds that the proposed development would not affect the implementation of the proposed Eastern Main Drainage Channel Project for San Tin; and outstanding technical issues could be addressed through implementation of approval conditions imposed. The planning permissions of Applications No. A/YL-ST/167 and 312 were subsequently revoked in 2003 and 2009 respectively due to non-compliance with approval conditions.
- 6.4 Applications No. A/YL-ST/363 and its renewal application No. A/YL-ST/411 for temporary container vehicle park, container storage area and vehicle repair were approved by the Committee in 2009 and 2012 for periods of 3 years mainly on the grounds that the developments were in line with the planning intention of the “OU(SS)” zone, the then TPB PG-Nos. 12B and 13E, and that the developments were considered not incompatible with the surrounding land uses. The planning permission of Application No. A/YL-ST/411 was subsequently revoked in 2013 due to non-compliance with approval conditions.
- 6.5 Applications No. A/YL-ST/438, 447 and its renewal application No. A/YL-ST/506 were for temporary vehicle park (including container vehicles), container storage area, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices. The applications were approved by the Committee in 2013, 2014 and 2017 for periods of 3 years mainly on the grounds that the development was in line with the planning intention of the “OU(SS)” zone, and the then TPB PG-Nos. 12B/C and 13E. The planning permission of Application No. A/YL-ST/438 was subsequently revoked in 2014 due to non-compliance with approval conditions. All approval conditions of the last 2 approved applications (No. A/YL-ST/447 & 506) had been complied with.

7. Similar Applications

Since 2010, within the same “OU(SS)” zone on the OZP, there are two similar applications No. A/YL-ST/424 and 445 for temporary cross border traffic service station uses, which were approved by the Committee for periods of 3 years in 2010 and 2014 respectively mainly on considerations that the developments were not incompatible with the surrounding land uses and the concerns of government departments could be addressed by imposing approval conditions. Both planning permissions were subsequently revoked in 2013 and 2015 respectively due to non-compliance with approval conditions. Details of the 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 from the northeast via a local track off Tun Yu Road leading to Castle Peak Road – Chau Tau; and
- (b) located within the WBA of Deep Bay Area.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north, northeast and east are Tun Yu Road, a nullah, Lok Ma Chau Control Point, San Sham Road and unused land;
- (b) to the west are vacant land and ponds zoned “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”);
- (c) to the south are San Tin Tsuen Road, vacant land, a motor vehicle showroom approved under Application No. A/YL-ST/559 and the cross boundary shopping centre (the Boxes) approved under Application No. A/YL-ST/529 (**Plan A-1**); and
- (d) to the further southwest are village settlements which are zoned “Village Type Development” (“V”).

9. Planning Intention

The “OU(SS)” zone is intended primarily to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby. In order to have a better control of the impact of any development on drainage, traffic, sewerage, environment and ecology on the nearby extensive fish pond area, for those uses which require planning application, the applicant has to prepare a layout plan and to demonstrate that due regard has been given to minimize the adverse impacts of the development on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish pond areas. All development in the area should be guided by a layout plan in order to ensure that the development is in an orderly manner.

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 GL and 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. 2830 for the purpose of “Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Offices”.
- (c) The private land of Lots Nos. 743 RP and 744 RP in D.D. 99 are covered by Short Term Waiver (STW) Nos. 4044 and 4045 respectively to permit structures for the purpose of “Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Office”.
- (d) The private land of Lot No. 372 S.D RP in D.D. 99 is covered by STWs No. 4044, 4287 and 4534 to permit structures for the purpose of “Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services, and Ancillary Office Site”; “Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities” and “Temporary Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk).
- (e) Should planning approval be given to the application, the STT/STW holder will need to apply to his office for modification of the 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. 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 rent or fee, as may be imposed by the LandsD.

Traffic

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

- (a) Considering that the traffic flow in respect of the car park provision for the Site would be negligible for the renewal of the application, he has no adverse comment from the traffic engineering perspective.
- (b) Should the application be approved, the following condition should be incorporated:

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 Tun Yu Road should be commented and approved by Transport Department.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Tun Yu Road.
- (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/RD 2-2, RDO, HyD):

The Site falls within the administrative route protection boundary of the long-term bifurcation to Lok Ma Chau Station of the proposed NOL, which the proposed NOL is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the long-term bifurcation to Lok Ma Chau Station of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.

Environment

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

- (a) In accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he has no comment on the application.

- (b) No environmental related complaint related to the Site was recorded 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 occupied for similar uses which were approved previously, he has no comment on the application from nature conservation point of view.

Fire Safety

10.1.7 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 D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application.

- (c) Before any new building works (including offices, shops and store rooms as temporary buildings) are to be carried out on the Site, 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.
- (d) For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations 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) Regulation at the building plan submission stage.

Drainage

10.1.9 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 the previous application No. A/YL-ST/506. The relevant drainage proposal and implementation works were considered satisfactory at that time. The applicant should provide DSD a set of latest record photographs showing the completed drainage works (including internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan.
- (c) His detailed comments are at **Appendix V**.

Landscape

10.1.10 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 perspective.

- (b) The Site, located to the west of Tun Yu Road and north of San Tin Tsuen Road, falls within an area zoned “OU(SS)” on the approved San Tin OZP No. S/YL-ST/8). It was the subject of 15 previous applications and the latest application (No. A/YL-ST/506) for the same use with the same site boundary for a period of 3 years, to which he has no objection from the landscape planning perspective, was approved with conditions by the Committee of the Board on 11.8.2017 valid till 22.8.2020.
- (c) Based on the aerial photo in 2019, the Site is situated in an area of rural landscape character. The surrounding area of the Site is comprised of dense woodland to the west, car parks and storages to the north and south, clustered tree groups along the exiting carriageway and river from the north to the east of the Site.
- (d) The Site was hard paved and the proposed use is still in operation with reference to the aerial photo. According to the Planning Statement (**Appendix Ia**), further significant adverse landscape impact arising from the continuous use in the Site is not anticipated.

District Officer’s Comment

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

11. Public Comments Received During Statutory Publication Period

On 19.6.2020, the application was published for public inspection. During the three-week statutory publication period, two public comments were received from San Tin Rural Committee and an individual. They objected to the application on the grounds that the proposed development would cause adverse traffic impact, create road safety problem and encourage the proliferation of brownfield in the WBA (**Appendix IV**).

12. Planning Considerations and Assessments

- 12.1 The current application is for renewal of planning approval under Application No. A/YL-ST/506 for temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container tractors, storage of construction materials, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a further period of 3 years. The Site falls within “OU(SS)” zone on the OZP which is intended primarily to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby. The applied temporary uses provide supporting facilities for the cross-boundary traffic and the container related facilities in the Lok Ma Chau area and is therefore in line with the planning intention of the “OU(SS)” zone. While it will be more desirable to have proper facilities for the purpose, there is no immediate proposal for a permanent development at this part of the “OU(SS)” zone. Approval of the application on a temporary basis for a period of 3 years could be tolerated and would not frustrate the long-term planning intention of the “OU(SS)” zone. Besides, the applied use is not incompatible with the surrounding land uses, comprising the Lok Ma Chau Control Point to the north, vehicle parks to its further north and northeast, and the temporary cross boundary shopping centre approved under Application No. A/YL-ST/529 to its south (**Plan A-2**).
- 12.2 The renewal is in line with TPB PG-No. 34C in that since the last approval, there has been no major change in planning circumstances, Government departments concerned have no objection to or adverse comment on the application, adverse impacts arising from the renewal of the planning approval are not envisaged, all the approval conditions under the previous approval had been complied with, and the 3-year approval period sought is the same as the previous approval.
- 12.3 Although the Site falls within the WBA of the TPB PG-No. 12C, the guidelines also specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no comment on the application noting that the Site is paved and occupied for similar uses which were approved previously.
- 12.4 The TPB PG-No. 13F is applicable to this application. The Site falls within Category 2 areas. The following criteria are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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. 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.
- 12.5 The application is in line with the TPB PG-No. 13F in that the Site falls within the Category 2 areas where permission for storages (including vehicles and vehicle parts for sale, containers, and construction materials) and vehicle parks (including

container vehicles) may be granted on a temporary basis up to 3 years. Besides, there is no adverse comment from other concerned Government departments, including DEP, C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD on environmental, traffic, fire safety, drainage and landscape aspects. To mitigate any potential environmental impacts and to address their requirements, approval conditions restricting the operation hours and activity on-site, and on technical requirements are recommended in paragraph 13.2 (a) to (l) below. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

- 12.6 The Site is the subject of 11 previous approvals for similar/same uses. Moreover, since 2010, the Committee has approved two similar applications within the same “OU(SS)” zone (**Plan A-1a**). Approval of the application is in line with the previous decisions of the Committee.
- 12.7 There are two objecting public comments on the application as stated in paragraph 11. The planning assessment and departmental comments 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 mentioned in paragraph 11, the Planning Department considers that the temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed vehicles, storage of construction materials, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices 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 until 15.9.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 8:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00pm on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the containers stacked within 5m of the periphery of the Site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the Site shall not exceed 8 units at any time during the planning approval

- period;
- (e) the existing boundary fencing and paving on the Site shall be maintained at all times during the planning approval period;
 - (f) a vehicular access/run-in between the Site and Tun Yu Road shall be maintained at all times during the planning approval period;
 - (g) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
 - (h) the existing trees and vegetation on-site should be maintained at all times during the planning approval period;
 - (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
 - (j) the submission of an as-built drainage plan 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 15.12.2020;
 - (k) 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 15.3.2021;
 - (l) in relation to (k) above, the implementation of fire service installations proposal 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 15.6.2021;
 - (m) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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
 - (n) if any of the above planning condition (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[Except for conditions (e), (g), (i), (j) which are amended to accord with the latest circumstances/comments of relevant departments, and deletion of the reinstatement clause, all the other conditions are the same as those imposed under the previous application No. A/YL-ST/506.]

Advisory Clauses

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

13.3 There is no strong reason to reject the application.

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 11.6.2020
Appendix Ia	Planning Statement
Appendix II	Previous applications covering the Site
Appendix III	Similar applications within the same “OU(SS)” 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
Drawing A-2	Information of On-site Structures
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 4d	Site Photo