

RNTPC Paper No. A/YL-ST/524  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 1.6.2018

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

**APPLICATION NO. A/YL-ST/524**

<b><u>Applicant</u></b>	: Fortune Nine (HK) Company Limited represented by Lanbase Surveyors Limited
<b><u>Site</u></b>	: Lots 170 RP and 174 S.C RP in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<b><u>Site Area</u></b>	: 1,360 m <sup>2</sup> (about) (including about 800 m <sup>2</sup> of GL)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<b><u>Zoning</u></b>	: “Residential (Group D)” (“R(D)”)
<b><u>Application</u></b>	: Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of 3 years (**Plan A-1a**). The temporary shop and services for sale of vehicle parts and accessories with ancillary facilities, which is akin to open storage use with on-site commercial activities, for a period of three years in the “R(D)” zone requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site (in whole or in part) is the subject of 13 previously approved Applications No. A/YL-ST/10, 79, 107, 124, 195, 221, 283, 303, 366, 369, 388, 401 and 460 mainly for temporary retail shop for vehicle parts and accessories. The last Application No. A/YL-ST/460 submitted by a different applicant for proposed

temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.5.2015 for a period of 3 years until 8.5.2018 (**Plan A-1b**). All approval conditions, including those in relation to the submission and implementation of fire service installations (FSIs) and tree preservation proposal, and the submission of an as-built drainage plans and photographic records of the existing drainage facilities have been complied with. The planning permission under Application No. A/YL-ST/460 lapsed on 9.5.2018.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at the south via a local track off Shek Wu Wai Road leading to Castle Peak Road – San Tin.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

<b>Major Development Parameters</b>	<b>Previous Approval (A/YL-ST/460) (a)</b>	<b>Current Application (A/YL-ST/524) (b)</b>	<b>Difference (b) – (a)</b>
Development/ use	Temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of 3 years	Temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of 3 years	Same
Site Area	About 1,360m <sup>2</sup> (including about 800m <sup>2</sup> of GL)	About 1,360m <sup>2</sup> (including about 800m <sup>2</sup> of GL)	Same
No. of Structure(s)	2	5	+3
Total floor area	43.92m <sup>2</sup>	317.59 m <sup>2</sup>	+ 273.67 m <sup>2</sup>
Maximum Building Height of Structures	1 storey (2.6m)	1 - 2 storeys (2.6m – 6.5m)	+ 1 storey (+ 4.0m)
No. of Parking Spaces	0	0	Same
Operation Hours	8:00 a.m. to 11:00 p.m. (Monday to Sunday)	8:00 a.m. to 11:00 p.m. (Monday to Sunday)	Same

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 9.4.2018 **(Appendix I)**
  - (b) Planning Statement **(Appendix Ia)**
  - (c) Further Information (FI) received on 15.5.2018 clarifying that no heavy goods **(Appendix Ib)**

vehicles will enter the Site

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Chapter 5 of Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The Site is the subject of several previously approved applications for similar shop and services use. The applied use is similar to the approved uses under the previous applications. There were similar uses within the “R(D)” zone approved by the Board (Applications Nos. A/YL-ST/493, 508, 510, 511 and 512) in the past 2 years.
- (b) The Site was operated as “Temporary Shop and Service (Sale of Vehicle Parts and Accessories) with Ancillary Facilities” under previous application No. A/YL-ST/460. As the number / size of the temporary structures have changed, modification of the site layout is necessary and a new application is thus submitted.
- (c) The Site is close to the border area. Most of the local residents of the nearby villagers use private cars as their main transport vehicle. There is a high local demand for sales service of vehicle parts. Therefore, the proposed development on the Site is to provide service to meet the local needs.
- (d) The applied use is compatible with the surrounding sites abutting Castle Peak Road and Shek Wu Wai Road for the use of open storage and other port back-up uses. The nearest villages are also located about 350m away from the Site. No interface problem with the villagers is anticipated. There would be no heavy goods vehicles including container vehicles, trailers and tractors parked/stored on the site.
- (e) The Site was operated as a temporary retail shop for vehicle parts and accessories with ancillary facilities, and second hand cars under previous applications. Therefore the applied use would not generate additional traffic, drainage and environmental impacts.

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

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

4. **Town Planning Board Guidelines**

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

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

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

5. **Background**

The Site is not subject to any active enforcement case.

6. **Previous Applications**

- 6.1 The Site is the subject of 13 previous applications Nos. A/YL-ST/10, 79, 107, 124, 195, 221, 283, 303, 366, 369, 388, 401 and 460. Except for Application No. A/YL-ST/388, the other 12 applications were approved by the Committee (**Plan A-1b**).
- 6.2 Applications Nos. A/YL-ST/10 and 79 submitted by a different applicant for temporary retail shop were approved by the Committee on 20.9.1996 and 26.2.1999 for a period of 3 years and 12 months respectively mainly on the consideration that the proposed use was not incompatible with the surrounding land uses, it would provide some retail facilities to serve the cross-boundary traffic in the area, it was a non-sensitive use and was considered acceptable on environmental grounds.
- 6.3 Applications No. A/YL-ST/107 submitted by a different applicant for temporary retail shop to sell vehicle part and accessories was approved by the Committee on 5.11.1999 for a period of 3 years mainly on the consideration that there was no change in the planning circumstance pertaining to the Site since the granting of the previous approval for application No. A/YL-ST/10 on 20.9.1996; and the proposed use was not incompatible with the surrounding land uses.

- 6.4 Application No. A/YL-ST/124 covering a larger site and submitted by a different applicant for proposed residential development was approved by the Committee on 5.5.2000 mainly on the consideration that the proposed use was in line with the planning intention of the R(D) zone and would phase out open storage yards and container vehicle parks and bring about environmental improvements to the area.
- 6.5 Application Nos. A/YL-ST/195, 283, and 366 submitted by a different applicant for temporary retail shop for vehicle parts and accessories with ancillary facilities were approved by the Committee on 26.4.2002, 24.6.2005 and 19.6.2009 for a period of 3 years on the consideration that the proposed use, which did not involve vehicle repair, was not likely to generate significant adverse environmental impacts on the area and it was not incompatible with the surrounding land uses. Application No. A/YL-ST/366 was revoked on 19.6.2009 due to non compliance with the approval condition which prohibits the parking/storage of heavy goods vehicles or container trailers/tractors on-site.
- 6.6 Application Nos. A/YL-ST/221, 303, 369 submitted by a different applicant for temporary retail shop for sale of vehicle parts and accessories were approved by the Committee on 17.1.2003, 28.4.2006 and 10.7.2009 for a period of 3 years respectively mainly on the grounds that there was no change in the planning circumstance pertaining to the site since the granting of the previous approval for application No. A/YL-ST/10 on 20.9.1996; and the proposed use was not incompatible with the surrounding land uses. Application Nos. A/YL-ST/303 and 369 was revoked on 28.1.2009 and 10.5.2012 due to non-compliance with the approval conditions which requires the provision / implementation of a run-in.
- 6.7 Application No. A/YL-ST/388 submitted by a different applicant for temporary retail area of second-hand goods vehicles of above 5.5 tonnes, container tractors and trailers was rejected by the Committee on 11.6.2010 mainly for the reasons that the proposed development involving heavy goods vehicles was not compatible with the neighbouring residential uses; and the proposed development was not in line with the TPB PG-No. 13E for “Application for Open Storage and Port Back-up Uses” in that there were adverse comments from concerned Government department on the environmental aspect, and the development would have adverse environmental nuisances to the nearby residents.
- 6.8 Application No. A/YL-ST/401 submitted by a different applicant for temporary shop and services (second-hand private car sales) was approved by the Committee on 15.4.2011 for a period of 3 years mainly on the consideration that the application was in line with the TPB PG-No. 13E as the application was on site with previous planning approvals; 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 was no immediate development proposal for this part of the zone; and the applied use was not incompatible with the surrounding land uses.

- 6.9 Application No. A/YL-ST/460 submitted by a different applicant for temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities was approved by the Committee on 8.5.2015 mainly on the consideration that the application was in line with the TPB PG-No. 13E as the application was on site with previous planning approvals; 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 was no immediate development proposal for this part of the zone; and the applied use was not incompatible with the surrounding land uses. All approval conditions including those in relation to the submission and implementation of FSIs and tree preservation proposals and the submission of as-built drainage plan and photographic records of the existing drainage facilities had been complied with.
- 6.10 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 are 7 applications (Nos. A/YL-ST/370, 386, 429, 432, 484, 493 and 511) for similar uses within the same “R(D)” zone on the OZP. All the applications were approved by the Committee mainly on the consideration that the developments were not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions.
- 7.2 Details of these 7 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-4b)**

- 8.1 The Site is:
- (a) located at the junction of Castle Peak Road – San Tin and Shek Wu Wai Road;
  - (b) accessible at the south via a local track off Shek Wu Wai Road leading to Castle Peak Road – San Tin;
  - (c) currently used for the applied use without valid planning permission; and
  - (d) located outside the Wetland Buffer Area (WBA) of Deep Bay.
- 8.2 The surrounding land uses are mainly residential dwellings, vehicle parking, repair workshops and open storage yards. Some repair workshops and storage yards are suspected unauthorized developments subject to enforcement by the Planning Authority:

- (a) to the north across Castle Peak Road - San Tin are a logistics centre, vehicle repair workshops, container vehicles parks, open storage of construction machinery and some residential dwellings;
- (b) to the west are an open storage of construction machinery approved under Application No. A/YL-ST/493, temporary cold storage approved under Application No. A/YL-ST/508, residential dwellings and unused land;
- (c) to the south are vacant land, the site for proposed temporary open storage and retail shop of vehicle parts and accessories (approved under Application No. A/YL-ST/511), residential dwellings, vegetable co-operation societies and parking of container vehicles; and
- (d) to the immediate east are a latrine and a refuse collection point. To the further east across Shek Wu Wai Road is parking of vehicles and repair workshop.

## **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):

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

- (i) 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.
- (ii) The private land within the Site (i.e. Lots Nos. 170 RP and 174 S.C RP in D.D. 105) are covered by Short Term Waiver (STW) Nos. 4231 and 4232 to permit structures for the purpose of “Temporary

Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities”.

- (iii) The GL of the Site is covered by Short Term Tenancy (STT) No. 2873 for the purpose of “Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities”.
- (iv) The Site is accessible to Shek Wu Wai Road through GL only. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (v) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (vi) Should planning approval be given to the application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there is any irregularity on site. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C of 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. The land status of the local access road should be clarified with the 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) In addition, no vehicle is allowed to queue back to the public road or reverse onto/from the Site at any time during the planning approval period.
- (c) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to the public road or reverse onto/from the Site at any time during the planning approval period.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Shek Wu Wai Road should be commented and approved by the Transport Department (TD);
- (b) If the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at the public road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;
- (c) HyD does not and will not maintain any access connecting the Site and Shek Wu Wai Road. Presumably, the relevant departments will provide their comments, if any; and
- (d) 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):

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

**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” (the COP), DEP has no objection to the application.
- (b) The applicant is advised to follow the COP to minimize the possible environmental impacts.
- (c) 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):
- (a) He has no strong view on the application from nature conservation point of view.
  - (b) The Site is a piece of paved land being occupied for similar uses over the years. Nevertheless, landscape trees planted in close vicinity of the Site are used for nesting by breeding egrets and herons in recent years. According to the applicant's submission, it is noted that the proposed development would not involve any tree felling or cause damage to the existing trees.
  - (c) Should the application be approved, the applicant should be advised to preserve and properly maintain the existing landscape planting along the site boundary and in close vicinity of the Site, and avoid disturbing the breeding birds including their nests and eggs which are protected under the Wild Animals Protection Ordinance, Cap. 170. Besides, lighting facilities installed on the Site should also avoid direct shining on the concerned landscape trees as well as the nearby wooded area to the southwest of the Site in order to minimize glare impact on the breeding birds.

### **Landscape**

- 10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
- (a) He has no objection to the application from landscape planning perspective.
  - (b) The Site involves 13 previously approved applications for temporary shop and services use and he has no objection to the last application (No. A/YL-ST/460) for the same use from the landscape planning perspective.
  - (c) Comparing the aerial photos taken in 2017 and 2015, there are no significant changes in the rural landscape character of the area surrounding and within the Site, i.e. temporary structures, open storage yards, ponds, vegetated slope and tree groups. Further significant adverse impact arising from the proposed use is not anticipated.

- (d) According to his site inspection taken on 25 April 2018, existing trees in good condition are found within the Site.
- (e) Should the application be approved by the Board, the following approval condition is proposed:

The maintenance of all landscape plantings within the site at all time during the planning approval period.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to FSI 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 (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) Before any new building works (including open sheds and containers as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).

- (b) 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.
- (c) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (d) 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):

He has no objection in principle to the application and has the following comments:

- (a) The applicant implemented the drainage facilities on site under previous planning Application No. A/YL-ST/460 and the drainage implementation works were considered satisfactory at that time. Under the application, the applicant should provide DSD with a set of latest record photographs showing the completed drainage works (including the internal condition of the drains). In addition, the applicant is requested to contact his staff to arrange to carry out a joint site inspection for the completed drainage works with reference to the latest record photographs.
- (b) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (c) 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.
- (d) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.

- (e) 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.
- (f) 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.

**Security Aspect**

10.1.11 Comments of the Commissioner of Police (C of P):

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

**Others**

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

- (a) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD.
- (b) Proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (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 shall be submitted to the Board direct, if any.

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

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

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

On 17.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.5.2018, no public comment was received.

## **12. Planning Considerations and Assessment**

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

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

12.2 The Site falls within "R(D)" zone. The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential

developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the “R(D)” zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there is no immediate development proposal for the Site. The applied use is not incompatible with the surrounding land uses, comprising mainly open storage yards, vehicle parks (including container vehicle parks) and vehicle repair workshops.

- 12.3 The applied use is akin to open storage use with on-site commercial activities and the TPB PG-No. 13E is therefore relevant to the application. The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 3 areas where previous planning approvals for the same or similar uses had been granted since 1996, and there is no local objection. 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. Their technical concerns could be addressed by approval conditions as recommended in paragraph 13.2 (g) to (j) below. 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, the types of vehicles, activity on-site and requiring maintenance of existing landscape plantings, paving and boundary fencing and drainage facilities, are recommended in paragraphs 13.2 (a) to (f) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.
- 12.4 The Site is subject of 11 previous approvals for similar shop and services use. The last application No. A/YL-ST/460 for the same temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities use was approved by the Committee on 8.5.2015 for a period of 3 years until 8.5.2018, and all approval conditions had been complied with. Since 2008, the Committee has approved a total of 7 applications for similar uses within the same “R(D)” zone based on similar considerations. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 There is no public comment on the application received during the statutory publication period.

**13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities 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 1.6.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00p.m. and 8:00a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no heavy goods vehicles including container vehicles, trailers and tractors as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, dismantling, repairing and workshop activity involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing is allowed on the site at any time during the planning approval period;
- (d) the existing landscape plantings on the site shall be maintained at all times during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to the public road or reverse onto/from the site at any time during the planning approval period;
- (h) the submission of a photographic records of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.9.2018;
- (i) 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 1.12.2018;

- (j) in relation to (i) 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 1.3.2019;
- (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.

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the proposed temporary development is not in line with the planning intention of the "R(D)" zone. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
  - (b) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(D)" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 9.4.2018
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI received on 15.5.2018
<b>Appendix II</b>	Previous s.16 applications covering the application site
<b>Appendix III</b>	Similar s.16 applications within the same “R(D)” zone
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos