

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

APPLICATION NO. A/YL-ST/526

<u>Applicant</u>	: Fenman Development Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lots 158, 162 RP (Part) and 198 S.B in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 2,223m ² (including about 868m ² of GL)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”)
<u>Application</u>	: Temporary Public Vehicle Park (Including Container Vehicles and Heavy Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (including container vehicles and heavy goods vehicles) for a period of 3 years (**Plan A-1a**). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-ST/468 until 7.8.2018.
- 1.2 The Site (in whole or in part) is the subject of 9 previously approved applications (Nos. A/DPA/YL-ST/15, A/YL-ST/71, 96, 198, 230, 311, 371, 416 and 468) mainly for temporary public vehicle park / container vehicle park / trailer park uses (**Plan A-1b**). The last Application No. A/YL-ST/468 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 17.7.2015 for a period of 3 years from 8.8.2015 to 7.8.2018 (**Plan A-1b**). All approval conditions, including those in relation to the maintenance of existing trees, paving, boundary fencing and drainage facilities, submission of as-built

drainage plans and photographic records of the existing drainage facilities, and submission and implementation of fire service installations (FSIs) proposal have been complied with.

1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible from the north off Castle Peak Road – San Tin. The proposed development parameters of the current application are same as the previous application No. A/YL-ST/468 in terms of proposed use, site area and site boundary. The major parameters of the current and previous applications are summarized below:

Major Development Parameters	Previous Approval (A/YL-ST/468) (a)	Current Application (A/YL-ST/526) (b)	Difference (b) - (a)
Development / use	Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicles and Heavy Goods Vehicles)	Temporary Public Vehicle Park (including Container Vehicle and Heavy Goods Vehicle)	Same
Site Area	About 2,223m ² (including about 868m ² of GL)	About 2,223m ² (including about 868m ² of GL)	Same
Structures (No. of storeys)	2 one-storey site offices	3 structures including: <ul style="list-style-type: none"> • a two-storey site office; • 2 one-storey container storages (one with an open shed) 	+1 structure and 1 shed
Building Height	one-storey (2.6m)	1 to 2-storeys (2.6m to 5.2m); shed (6m)	+ 1 storey (2.6m) + 1 shed (6m)
Total Floor Area	73.2m ²	243.76m ² (office: 117.12m ² ; Storage/shed:126.64m ²)	+170.56m ²
No. of Container Parking Spaces	6	6	Same
Operation Hours	7:00a.m. to 11:00p.m. from Monday to Saturday No operation on Sunday and public holiday	7:00a.m. to 11:00p.m. from Monday to Saturday No operation on Sunday and public holiday	Same

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

- (a) Application Form received on 23.5.2018 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

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

- (a) The Site has been used for similar temporary public vehicle park (including container vehicles and heavy goods vehicles) uses under previous applications (Nos. A/YL-ST/311, 371 and 416) for many years and the site conditions remain unchanged. The last Application No. A/YL-ST/468 was approved for same use for which all approval conditions have been complied with. The current application is largely similar to the last application save minor changes to the site layout, increase in office GFA, and addition of a storage area and an open shed.
- (b) According to TPB PG-No. 13E, the Site falls within Category 2 areas where planning permission could be granted on a temporary basis up to a maximum period of 3 years subject to no adverse department comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. The Site is located in close proximity to the border area and strategic road networks, and has been an area well established for port back-up and open storage activities since the late 1980s. There is demand for container vehicle parks in Lok Ma Chau.
- (c) The applied use is compatible with the surrounding area which is characterized by open storage and car park uses. Also, no interface problems with villagers are anticipated given that the closest villages are located 350m away. No additional traffic, drainage and environmental impacts are anticipated.
- (d) There have been recent approvals for similar uses near the Site (e.g. Application No. A/YL-ST/512) in the “R(D)” zone.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) provide guidelines for open storage and port back-up uses. The Site falls within Category 2 areas under the guidelines. The following criteria are relevant.

Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

5. Background

The Site is not subject to any enforcement action.

6. Previous Applications

- 6.1 The Site (in whole or in part) is the subject of 11 previous applications (Nos. A/DPA/YL-ST/15, A/YL-ST/21, 71, 96, 165, 198, 230, 311, 371, 416 and 468). Except for Application Nos. A/YL-ST/21 and 165, other applications were approved by the Committee (**Plan A-1b**).
- 6.2 Application No. A/YL-ST/21 submitted by a different applicant with a slightly different site boundary for temporary container vehicle park for 12 months was rejected by the Committee on 20.12.1996 mainly on the grounds that there was insufficient information in the submission to demonstrate that the development will not cause interface problem between the development and residential settlements nearby; and the approval of the application would set an undesirable precedent for similar applications.
- 6.3 Application No. A/YL-ST/165 submitted by a different applicant on a larger site for temporary container tractor/trailer park with ancillary repair area for a period of 3 years was rejected by the Committee on 30.3.2001 mainly on the grounds that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and sewage impacts on the surrounding areas including the nearby residential use and the Deep Bay; and the approval of the application would set an undesirable precedent for other similar applications within the "R(D)" zone.
- 6.4 Application Nos. A/DPA/YL-ST/15, A/YL-ST/71 and 96 submitted by different applicants for temporary container vehicle park/public car park were approved by the Committee on 3.9.1993, 11.12.1998 and 10.9.1999 respectively for a period of 12 months/3 years mainly on the grounds that the proposed developments were not

incompatible with the adjacent open storage uses and container trailer parks; and favourable consideration was given to the site as an interim arrangement to alleviate the acute shortage of port back-up land in the area.

- 6.5 Application Nos. A/YL-ST/198, 230, 311 and 371 submitted by the current applicant for temporary container tractor/trailer park/public vehicle park (including container vehicles and heavy goods vehicles) were approved by the Committee on 10.5.2002, 21.3.2003, 2.6.2006 and 7.8.2009 respectively for a period of 3 years mainly on the grounds that the proposed developments were not incompatible with the adjacent open storage uses and container trailer parks; and previous planning approvals for similar uses on the site had been given. The planning permission of Application No. A/YL-ST/198 was revoked on 10.5.2003 due to non-compliance with approval conditions relating to the provision of drainage facilities and fencing of the site.
- 6.6 Application No. A/YL-ST/416 and its renewal application No. A/YL-ST/468 submitted by the current applicant for the same applied use were approved by the Committee on 20.7.2012 and 17.7.2015 respectively for a period of 3 years mainly on the grounds that the development was not incompatible with the surrounding land uses; is in line with TPB PG-No. 13E; and previous planning approvals for similar use on the site had been given. All approval conditions, including those in relation to the maintenance of existing trees and drainage facilities within the site, submission of an as-built drainage plan and photographic records of drainage facilities and the submission and implementation of FSIs proposal, have been complied with. The permission for A/YL-ST/468 is valid until 7.8.2018.
- 6.7 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 14 applications (Nos. A/YL-ST/360, 361, 373, 374, 375, 404, 414, 418, 420, 455, 465, 475, 478 and 512) for similar container vehicle parking uses within the same “R(D)” zone on the OZP. All the applications were approved by the Committee mainly on considerations that the developments were in line with TPB PG-No. 13E, 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 14 applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from the north off Castle Peak Road – San Tin;

- (b) currently used for the applied use with valid planning permission; and
- (c) just located outside the Wetland Buffer Area (WBA) of Deep Bay.

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

- (a) to the north is Castle Peak Road – San Tin. To the further north across Castle Peak Road – San Tin are a logistics centre with ancillary container vehicle park approved under Application No. A/YL-ST/512, to the northwest are open storage of construction machinery / construction material, parking of vehicles, vehicle repair workshops and residential dwellings;
- (b) to the east are temporary parking of lorry cranes for sale with ancillary maintenance workshop approved under Application No. A/YL-ST/478;
- (c) to the south is vacant land and parking of vehicles and warehouse and workshop; and
- (d) to the west are amenity area, unused land and parking of vehicle and vehicle repairing workshop. Further west across Shek Wu Wai Road is open storage of vehicles for sale.

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 Town Planning Board.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) Portions of GL with total area of about 867m² of the Site are covered by a Short Term Tenancy (STT) No. 2882 for the purpose of “Temporary Public Vehicle Park” (including Container Vehicles and Heavy Goods Vehicles).
- (c) No permission is given for occupation of the remaining GL (“the remaining GL”) with an area of about 1m² (subject to verification) included in the Site. The act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (d) The private land of Lot Nos. 158 and 162 RP in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3563 and 3564 respectively to permit structures for the purpose of “Temporary Public Vehicle Park (including Container Vehicles and Heavy Goods Vehicles)”.
- (e) The Site is accessible to Castle Peak Road - San Tin through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) 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. Besides, the applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Furthermore, the lot owner of the lot without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities 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 LandsD.

Traffic

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

- (a) He has no comments from traffic engineering point of view.
- (b) Should the application be approved, the following conditions should be incorporated:
 - (i) adequate buffer area fronting Castle Peak Road for holding container vehicles waiting to enter to the Site should be

maintained to avoid blocking the traffic on the main road;
and

- (ii) 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 Castle Peak Road - San Tin should be commented by the Transport Department (TD).
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

The Site neither falls within any administrative route protection boundary, gazette railway schemes, nor railway protection boundary of heavy rail systems. As such, he has no comments on the subject from railway development viewpoint.

Environment

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

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as the proposed use will generate traffic of heavy vehicles and the Site is within 100m from the nearest sensitive use (i.e. residential dwellings at about 27m north of the Site) and environmental nuisance is expected (**Plan A-2**).
- (b) There was no environmental complaint related to the Site in the past 3 years.
- (c) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.

Nature Conservation

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

Noting that the Site is paved and disturbed, 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 application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, 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 Buildings Department (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 Buildings Ordinance (BO) and should not be designated for any approved use under the application.
- (c) Before any new building works (including 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 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 (B(P)R) 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.

Landscape

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

Given there are existing trees within the Site, should the Board approve the application, the following approval condition is suggested:

The existing trees within the Site should be maintained at all times during the approval period.

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.
- (b) The applicant implemented the drainage facilities on-site under previous planning Application No. A/YL-ST/468 and the drainage implementation works were considered satisfactory at that time. Under the current application, the applicant has to provide DSD with a set of latest record photographs showing the completed drainage works (including the internal condition of the drains). He will then liaise with the applicant to arrange a joint site inspection for the completed drainage works with reference to the latest record photographs.
- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.

- (d) The applicant is reminded that the proposed drainage proposal / works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future.
- (g) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on-site under proper maintenance at all times.

Others

10.1.11 Comments of the Director of Leisure and Cultural Services (DLCS):

According to the application, the development proposal would not involve felling of trees and/or cause damage to branches and roots of trees. However the applicant is reminded of the following:

- (a) From tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the work site and minimize the adverse impact to them during the works period.
- (b) If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DEVB TC(W) No. 7/2015.
- (c) It is also noted from the Lot Index Plan that landscaping is proposed at the site boundary. Maintenance of these landscape areas should rest with the developer.

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. Re provisioning 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 re provisioned 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.

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

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

District Officer's Comment

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

He has no comment on the application and the local comments should be submitted to the TPB directly, if any.

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

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

11. Public Comments Received During Statutory Publication Period

On 1.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 22.6.2018, no public comment was received.

12. Planning Considerations and Assessments

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

Category 2 areas: technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject

to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

- 12.2 The Site falls within “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. 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 vehicle parks, storage yards and port back-up facilities.
- 12.3 The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 2 areas where 9 previous planning approvals for the similar public vehicle parks including cars and/or container vehicles uses had been granted and there are no adverse departmental and public comments on the application. The last Application No. A/YL-ST/468 submitted by the same applicant for the same applied use was approved by the Committee on 17.7.2015 for a period of 3 years from 8.8.2015 to 7.8.2018. All approval conditions, including those in relation to the maintenance of existing trees, drainage facilities, paving and boundary fencing, submission of as-built drainage plans and photographic records of the existing drainage facilities, and submission and implementation of FSIs, have been complied with.
- 12.4 Concerned Government departments, including C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraphs 13.2 (i) to (k) below. DEP does not support the application as there are residential dwellings within 100m from the boundary of the Site (i.e. the nearest dwelling is at about 27m to the north of the Site). Nevertheless, the dwelling is separated from the Site by Castle Peak Road - San Tin, and there was no environmental complaint related to the Site in the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and requiring the maintenance of existing trees, drainage facilities, paving and boundary fencing, buffer area fronting Castle Peak Road - San Tin, are recommended in paragraphs 13.2 (a) to (h) 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.
- 12.5 Since 2008, the Committee has approved 14 applications for similar container vehicle parking uses within the same “R(D)” zone. Approval of the current

application is in line with the previous decisions of the Committee for similar uses in the area.

- 12.6 There is no public comment on the application received during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary public vehicle park (including container vehicles and heavy goods vehicles) 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 20.7.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00p.m. and 7:00a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, repairing and workshop activity, including container repairing and vehicle repairing, are allowed on the site at any time during the planning approval period;
- (d) the existing trees within 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) the buffer area fronting Castle Peak Road - San Tin shall be maintained at all times during the planning approval period;
- (h) 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;
- (i) the submission of 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 20.10.2018;

- (j) 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 20.1.2019;
- (k) in relation to (j) 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 20.4.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (m) if any of the above planning conditions (i), (j) or (k) 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
- (n) 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 at **Appendix IV**.

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

the occupation of the Site for the temporary public vehicle park (including container vehicles and heavy goods vehicles) is not in line with the planning intention of the "R(D)" zone. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for 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 23.5.2018
Appendix Ia	Planning Statement
Appendix II	Previous s.16 applications covering the application site
Appendix III	Similar s.16 applications within “R(D)” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2018**