

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

**APPLICATION NO. A/YL-ST/588**

<b><u>Applicant</u></b>	: Treasure Day Inc. Limited represented by Lanbase Surveyors Limited
<b><u>Site</u></b>	: Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
<b><u>Site Area</u></b>	: 16,442m <sup>2</sup> (about) (including about 8,708m <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>	: “Undetermined” (“U”)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of the planning approval for temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of 3 years at the application site (the Site) which is zoned “U” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1a**). The Site is currently used for the applied use with planning permission under Application No. A/YL-ST/523. The permission is valid until 22.5.2021.
- 1.2 The Site (in whole or in part) is the subject of 15 previous applications for temporary public vehicle park (with or without other uses) approved between 1993 and 2018. Planning permission was first granted for the current applicant for the temporary public vehicle park (for private cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses) only with ancillary facilities (including a refreshment kiosk) in 2013 under Application No. A/YL-ST/435 but the planning permission was revoked in 2015 due to non-compliance with approval conditions. The applicant’s subsequent application (No. A/YL-ST/463)

for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 22.5.2015 for a period of 3 years. Planning permission was renewed for 3 years until 22.5.2021 under Application No. A/YL-ST/523 (approved on 18.5.2018) and approval conditions of the last permission have all been complied with.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at the south off Castle Peak Road – San Tin. The layout, number of parking spaces and operation hours of the current application are the same as those of the last Application No. A/YL-ST/523. There are 545 parking spaces for private cars, 6 parking spaces for Lok Ma Chau – Huanggang Cross Boundary shuttle buses, and 5 structures (with a height of 1-2 storeys (storey height of 2.6m) and total floor area of 411.77m<sup>2</sup>) for site offices, shroff and refreshment kiosk within the Site, which operates 24 hours daily from Monday to Sunday.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 23.3.2021 **(Appendix I)**
  - (b) Planning Statement **(Appendix Ia)**
  - (c) Further Information (FI) received on 10.5.2021 **(Appendix Ib)**  
providing responses to departmental comments

*# exempted from publication requirement*

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Planning Statement and FI at **Appendices I to Ib** and can be summarised as follows:

- (a) The Site was granted planning permissions for the same or similar temporary public vehicle park uses under previous planning applications. The existing site condition is similar to that under the previous approvals.
- (b) All existing facilities including fencing, paving, landscape planting and the drainage facilities would remain unchanged and be well maintained. The applicant is willing to improve the condition to meet the Government's requirements.
- (c) All approval conditions under Application No. A/YL-ST/523 have been complied with. Genuine efforts were made to comply with the approval conditions thus favourable considerations should be given to the application.
- (d) The subject "U" zone is reserved for the Spur Line and the proposed Northern Link (NOL) railway system. Approval of the subject application on a temporary basis will not prejudice the future long term planning of the area.

- (e) Given the increasing cross-border activities, the 545 private car parking spaces provided on Site are necessary to meet the increasing parking demand at Lok Ma Chau. The Site also includes 6 Lok Ma Chau – Huanggang Cross Boundary Shuttle Bus parking spaces to support the shuttle bus services at San Tin Interchange.
- (f) Due to the increasing parking demand, surrounding areas have been used for public vehicle parks, open storage and other port back-up uses while the sites near the Lok Ma Chau Control Point have mostly been converted into public vehicle parks. There were recent planning permissions granted for similar temporary vehicle parks and other port back-up uses in the “U” zone in the past two years.
- (g) No additional traffic, drainage and environmental impacts are anticipated.

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

The applicant is not a “current land owner” of the private land at the Site 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 sending a notification to the current land owner. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, 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 on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)***

- 4.1 According to TPB PG-No. 34C, the main 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; and

- (e) any other relevant considerations.

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

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

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

- 4.3 According to TPB PG-No. 13F, the Site falls within Category 1 areas. Favourable consideration will normally be given to applications for open storage and port back-up uses within these areas. While the applied use is not for open storage or port-back up uses, the Guidelines have made special reference to cross-boundary car parking facilities in San Tin area as follows:

taking into account the demand for cross-boundary car parking facilities, application for cross-boundary parking facilities at suitable sites in areas of close proximity to the border crossing points, such as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may be considered. Application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

## **5. Background**

The Site is not subject to active planning enforcement action.

## **6. Previous Applications**

- 6.1 The Site is the subject of 15 previous applications (No. A/DPA/YL-ST/9 and 17, A/YL-ST/13, 14, 17, 52, 131, 204, 229, 308, 357, 409, 435, 463 and 523) (**Plan A-1b**), of which 10 applications (No. A/YL-ST/52, 131, 204, 229, 308, 357, 409, 435, 463 and 523) are for public vehicle parks.

- 6.2 Applications No. A/DPA/YL-ST/9 and 17 were submitted by different applicants for container vehicle park / ancillary tyre repairing and replacement for container vehicles and they were approved by the Committee on 23.7.1993 and 15.10.1993 for 3 years respectively mainly on the considerations that the developments were not incompatible with the surrounding land uses and would unlikely cause significant adverse traffic and environmental impacts on the neighbouring areas.
- 6.3 Applications No. A/YL-ST/13 and 14 were submitted by the current and another applicant for temporary open storage of container yard and temporary container trailer park (at the western and eastern parts of the Site respectively), which were approved by the Committee on 15.11.1996 for a period of 3 years mainly on the 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.
- 6.4 Application No. A/YL-ST/17 submitted by a different applicant for temporary container vehicle park and open storage of containers for 3 years was approved upon review by the Board on 29.8.1997 on the considerations that the development would have minimal interference with the West Rail implementation programme, not incompatible with the surrounding land uses, would unlikely cause significant adverse environmental impact on the neighbouring areas, and that the Site was considered suitable for container-related uses.
- 6.5 Applications No. A/YL-ST/52, 131, 204 and 229 submitted by different applicants for temporary public car park (with and without canteen/ancillary facilities (including refreshment kiosk)) were approved by the Committee on 24.4.1998, 16.6.2000, 9.8.2002, 7.3.2003 for 2 or 3 years mainly on the 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.
- 6.6 Applications No. A/YL-ST/308, 357 and 409 submitted by the current applicant for temporary public car park (for private cars) with ancillary facilities (including a refreshment kiosk) were approved by the Committee on 7.4.2006, 13.2.2009 and 20.1.2012 for 3 years respectively mainly on the consideration that the development was not incompatible with the surrounding land uses.
- 6.7 Applications No. A/YL-ST/435, 463 and 523 submitted by the current applicant for the same applied use as the current application was approved by the Committee on 16.8.2013, 22.5.2015 and 18.5.2018 each for 3 years mainly on the considerations that the development could satisfy the parking demand arising from the local villagers and cross-boundary travellers. The public car park was not incompatible with the surrounding land uses, it was in line with TPB PG-No. 13E and would not frustrate the future land uses of the “U” zone. The planning permission under Application No. A/YL-ST/435 was however revoked on 16.7.2015 due to non-compliance with the approval conditions in respect of the submission and implementation of landscape and tree preservation proposal and the provision of boundary fencing. For Applications No. A/YL-ST/463 and

A/YL-ST/523, all approval conditions including the submission and implementation of fire service installations (FSIs), drainage proposals, tree preservation proposal and provision of boundary fencing have been complied with.

- 6.8 Details of these applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1b**.

## **7. Similar Applications**

- 7.1 Since the promulgation of TPB PG-No. 13E in October 2008, there are 24 similar applications for public vehicle parks within the same “U” zone on the OZP, of which 23 were approved by the Committee 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. Application No. A/YL-ST/417 falling partly within the same “U” zone and partly within “GB” zone was rejected by the Board upon review in May 2013 mainly for the reasons that the development was not in line with the planning intention of the “GB” zone and TPB PG-No. 10; did not comply with the then TPB PG-No. 13E; and approval of the application would set an undesirable precedent for similar applications within the “GB” zone to the north of the Chau Tau West Road.
- 7.2 Details of these similar applications are summarised at **Appendix III**. 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 at the south off Castle Peak Road – San Tin;
- (b) divided into western and eastern portions connected by an internal driveway;
- (c) currently used for the applied use under valid planning permission; and
- (d) largely (about 80%) located within the WBA of Deep Bay.

- 8.2 The surrounding areas have the following characteristics:

- (a) to the north of the Site are a nullah, unused land, and the MTR (East Rail Line). Across the MTR (East Rail Line) are open storage of construction machinery and a site with temporary approval for container vehicle park, open storage of containers and public car park (Application No. A/YL-ST/563). To the further north across Lok Ma Chau Road are some

unused land and a public vehicle park with temporary approval (Application No. A/YL-ST/544);

- (b) to the west of the Site is San Sham Road. To the further west across San Sham Road are a nullah, San Tin Tsuen Road and the site of 'The Boxes' (which is the subject of previous approvals for temporary cross-boundary shopping centre under Application No. A/YL-ST/529 (which has been revoked) and a permanent commercial development (eating place, place of entertainment, and shops and services) under Application No. A/YL-ST/503);
- (c) to the south is Castle Peak Road – San Tin. To the further south across Castle Peak Road – San Tin is the Cross Boundary Shuttle Bus San Tin Terminus and San Tin Public Transport Interchange; and
- (d) to the east of the Site is a car park.

## **9. Planning Intention**

The area zoned “U” is for planning and development of the Sheung Shui to Lok Ma Chau Spur Line and the proposed NOL railway system. Under the “U” zone, any developments or redevelopments, except those permitted under the covering Notes of the OZP, require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, government, institution or community (GIC) facilities and open space would be adequately provided. The proposed development should also take into account the railway alignments. To realise a built-form which is compatible with the surroundings, the development intensity should take into account the rural characteristics of the surrounding areas.

## **10. Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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 private land of Lot No. 372 S.D RP in D.D. 99 is covered by Short Term Waivers (STWs) to permit structures for the following purposes:

STW No.	Purposes
4044	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 Related Parts/Accessories), Vehicle Repair and Services, Ancillary Office
4287	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 Materials, and Cargo Handling and Forwarding Facilities
4534	Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses only) with Ancillary Facilities (Including a Refreshment Kiosk)

- (c) A portion of the GL (about 8,580m<sup>2</sup>) of the Site is covered by a Short Term Tenancy (STT) No. 2806 for the purpose of “Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk)”.
- (d) No permission is given for occupation of the remaining GL (about 128m<sup>2</sup> subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (e) Should planning approval be given to the subject planning application, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. 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. Moreover, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularity on the Site, if any. Besides, given the applied use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by 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 LandsD.



## **Traffic**

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

- (a) Having considered the application and the FI (**Appendix Ib**), he has no adverse comment on the application from the traffic engineering point of view.
- (b) Should the application be approved, the applicant should maintain the buffer area fronting Castle Peak Road – San Tin such that no vehicle is allowed to queue back to or reverse onto/from public road 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 approved by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

- (a) He has no objection in principle to the application from railway development viewpoint of the proposed NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.
- (b) The Site falls within the area of influence (“AOI”) of the proposed NOL. The NOL alignment and its AOI may be subject to further amendments. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL.
- (c) The Site also falls within the railway protection boundary of the existing Lok Ma Chau Spur Line of the East Rail Line. As the operation of existing railway system is not under the jurisdiction of this office, the applicant should consult the MTR Corporation Limited with respect to operation, maintenance, safety and future construction on the existing railway network with reference to the procedures in the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-24.

## **Environment**

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

- (a) The application will provide 545 parking spaces for private cars and 6 parking spaces for shuttle buses which are considered as “heavy vehicle” under the context of the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP). Noting that there is no residential use in the vicinity of the Site, DEP has no objection to the application according to the COP. In this regard, the applicant is advised to follow the environmental mitigation measures as recommended in the latest COP to minimise the potential environmental impacts on the surrounding areas.
- (b) There were no environmental complaints related to the Site in the past 3 years.

## **Landscape**

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

- (a) The Site is the subject of 15 previous applications. The last application (No. A/YL-ST/523) submitted by the same applicant for the same use was approved by the Committee on 18.5.2018.
- (b) Compared with aerial photos taken in 2018 and 2020, there is no significant change to the surrounding landscape setting since the last approval. As the Site is not located in landscape sensitive zoning and there is no substantial change in the layout of the development, further significant impact on existing landscape resources within the Site arising from the continuous use is not anticipated.
- (c) In view that the tree preservation and landscape proposal has been fully implemented under the last Application No. A/YL-ST/523, it is considered necessary to impose an approval condition requiring the applicant to maintain all existing trees within the Site in good condition for the duration of the planning approval should the current application be approved. His advisory comments to the applicant are at **Appendix V**.

## **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 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. His detailed comments are at **Appendix V**.
- (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. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application.
- (b) Before any new building works (including offices, shops and store rooms as temporary buildings) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO.
- (c) For UBW erected on leased land, enforcement action may be taken by 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 BO.
- (d) His detailed comments are at **Appendix V**.

### **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) It is noted that the applicant implemented the drainage facilities on the Site under the last Application No. A/YL-ST/523. The current application is with the same use and site boundary as the last approved application. The applicant should provide a set of the

latest record photographs showing the completed drainage works (including the internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of 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 regarding all the drainage works outside the lot boundary in order to ensure unobstructed discharge from the Site in future.
- (g) His detailed comments are at **Appendix V**.

### **Water Supply**

#### 10.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains in the area will be affected (**Plan A-2**). A waterworks reserve within 1.5 metres from the centerline of the water mains shall be provided to the satisfaction of WSD.
- (c) No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all times for WSD and their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains shown on **Plan A-2**.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Project Manager (West), Civil Engineering and Development Department
- (c) Commissioner of Police;
- (d) Director of Food and Environmental Hygiene; and
- (e) District Officer (Yuen Long), Home Affairs Department.

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

On 30.3.2021, the application was published for public inspection. During the first 3 weeks of the statutory publication period, 1 public comment (**Appendix IV**) was received from an individual who opined that the at grade vehicle parking under application was inefficient in land use term and that stacking of parking spaces should be pursued instead.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning permission which will expire on 22.5.2021 for the temporary public vehicle park (for private cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of 3 years at the Site within “U” zone. The “U” zone is for the planning and development of the Sheung Shui to Lok Ma Chau Spur Line and the proposed NOL system. Any developments within the “U” zone has to be comprehensively planned to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities and open space would be adequately provided. The Site is abutting Lok Ma Chau Road, San Sham Road and Castle Peak Road – San Tin and is located directly opposite to the Cross Boundary Shuttle Bus San Tin Terminus. The applied use is considered not incompatible with the surrounding land uses which are mostly vehicle parks, open storage yards and bus terminus. The applied use on a temporary basis would not frustrate the long-term use of the “U” zone (**Plan A-2**).
- 12.2 According to TPB PG-No. 13F, suitable sites in San Tin area may be considered for cross-boundary parking facilities based on individual merits. The Site is located opposite to the Cross Boundary Shuttle Bus San Tin Terminus and close to the Lok Ma Chau Control Point. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers.
- 12.3 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of EcoIA. In this regard, DAFC has no comment on the application from nature conservation perspective.
- 12.4 There was no environmental complaint related to the Site in the past 3 years. Concerned Government departments, including DEP, CE/MN of DSD, C for T, D

of FS, and CTP/UD&L of PlanD, have no objection to or no adverse comment on the application. Adverse impacts on environmental, drainage, traffic, fire safety and landscape aspects are not envisaged. Should this renewal application be approved, the previous approval conditions restricting the types of vehicles and activities, and requirements on set back and maintenance of the existing paving, boundary fencing, buffer area, drainage facilities and landscape plantings at the Site and provision of FSIs are recommended to be retained and updated according to the latest departmental requirements as paragraphs 13.2 (a) to (m) 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” to minimise the possible environmental impacts.

- 12.5 The current proposal is same as the last application (No. A/YL-ST/523) in terms of the applied use, site area, layout and operation hours. This renewal application is in line with TPB PG-No. 34C as there has been no major change in planning circumstances since the last approval, approval conditions under the previous application have been complied with and adverse planning implications arising from the renewal of the planning approval are not expected.
- 12.6 As detailed in paragraph 7 above, the Committee has approved a total of 23 applications for similar public vehicle park uses within the same “U” zone since 2008. Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 There was 1 public comment objecting to the application as detailed in paragraph 11. The planning considerations and the departmental comments above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years and be renewed from 23.5.2021 to 22.5.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) the setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) only private cars as defined in the Road Traffic Ordinance and Lok Ma

Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the Site at any time during the planning approval period;

- (d) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the Site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site at any time during the planning approval period;
- (f) the maintenance of the paving on the Site at all times during the planning approval period;
- (g) the maintenance of the boundary fencing on the Site at all times during the planning approval period;
- (h) the maintenance of the buffer area within the site fronting Castle Peak Road – San Tin and no vehicle is allowed to queue back to or reverse onto/from public road at any time 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 existing landscape plantings on the Site shall be maintained in good condition at all times during the planning approval period;
- (k) the submission of 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 23.8.2021;
- (l) 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 23.11.2021;
- (m) in relation to (l) 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 23.2.2022;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (o) if any of the above planning conditions (k), (l) or (m) 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

- (p) 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.

[All the conditions are same as those imposed under previous Application No. A/YL-ST/523, except conditions (h), (j) and (k) are updated to reflect the latest departmental requirements.]

Advisory clauses

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

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

The continued occupation of the Site for the applied use is not in line with the planning intention of the "U" zone which is intended to allow the planning and development of the Sheung Shui to Lok Ma Chau Spur Line and the proposed Northern Link railway system.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 23.3.2021
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI received on 10.5.2021
<b>Appendix II</b>	Previous s.16 applications at the Application Site
<b>Appendix III</b>	Similar s.16 applications within the same "U" zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
<b>Appendix IV</b>	Public Comments
<b>Appendix V</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 to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2021**