

RNTPC Paper No. A/YL-KTN/632C  
For Consideration by the Rural and  
New Town Planning Committee  
on 20.9.2019

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

**APPLICATION NO. A/YL-KTN/632**

<b><u>Applicant</u></b>	: Lotti Construction Materials Limited represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lots 431 (Part), 432 (Part), 433 S.B (Part) and 1739 RP (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Yuen Long
<b><u>Site Area</u></b>	: About 1,944m <sup>2</sup> (including Government land of about 520m <sup>2</sup> )
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<b><u>Zoning</u></b>	: “Other Specified Uses” (“OU”) annotated “Railway Reserve”
<b><u>Application</u></b>	: Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/Heavy Goods Vehicles and Container Trailers/Tractors 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 open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors for a period of 3 years. The Site is subject to 9 previous applications. Except Application No. A/YL-KTN/11 for workshop use, the other applications for various open storage and/or private car park uses were all approved by the Rural and New Town Planning Committee (the Committee) or the Town Planning Board (the Board) on review. The last Application No. A/YL-KTN/480 for the same applied use submitted by a different applicant was approved with conditions by the Committee on 8.1.2016. However, the planning permission was revoked in 2017 due to non-compliance of approval conditions on submission and implementation on drainage proposal and implementation of landscape and tree preservation proposals. The Site is

currently used for the applied use without valid planning permission (**Plans A-2 to A-4b**).

- 1.2 According to the applicant, the applied use involves 7 structures with details below:

Use	GFA(m <sup>2</sup> )	Height (m)
Four open sheds for storage of construction materials	654	7.5 (1-storey)
Site Office under open shed	130	7.5 (2-storey)
Electric Meter Room	20	3.5 (1-storey)
Toilet	20	3.5 (1-storey)
<b>Total:</b>	824	-

Construction materials such as water tanks, drain pipes, barricades, converted container for site office use, packed cement, tiles and sanitary ware and construction machinery such as mechanical hooker, cement mixer and generator are stored at the Site. No repairing, cleansing, dismantling or workshop activities will be carried out within the Site. Five parking spaces for private cars, light / medium / heavy goods vehicles and container vehicles including container trailer/tractor as well as a loading/unloading space for container trailer are provided within the Site. The operation hours are from 9:00 a.m. to 7:00 p.m. on Mondays to Saturdays. There is no operation on Sundays and public holidays. The Site is accessible via a short stretch of local access branching off San Tam Road. The layout plan, landscape and tree preservation proposal, drainage proposal and vehicular access plan are at **Drawings A-1 to A-4**.

- 1.3 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application No. A/YL-KTN/480 (a)	Current Application (b)	Differences (b)-(a)
Site Area (m <sup>2</sup> )(about)	1,944	Same	-
Applied Use	Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/Heavy Goods	Same	-

<b>Major Development Parameters</b>	<b>Last Approved Application No. A/YL-KTN/480 (a)</b>	<b>Current Application (b)</b>	<b>Differences (b)-(a)</b>
	Vehicles and Container Trailers/Tractors		
No. of Structures	3	7	+4 (+133%)
Total floor area (m <sup>2</sup> )	469.74	824	+354.26 (+75%)
Building Height (m) (not exceeding)	6.5	3.5/7.5	+1 (+15%)
No. of Storey(s)	1 to 2	Same	-
No. of Parking Spaces	1 (for private car or light goods vehicle) 2 (for medium/heavy goods vehicles) 2 (for container vehicles)	Same	-

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

- (a) Application form with supplementary planning **(Appendix I)** statement and information received on 11.9.2018
- (b) Further Information (FI) received on 3.1.2019 in **(Appendix Ia)** response to departmental comments (*accepted and exempted from publication*) **(Appendix Ib)**
- (c) FI received on 28.1.2019 in response to departmental comments (*accepted and exempted from publication*) **(Appendix Ic)**
- (d) FI received on 11.4.2019 in response to departmental comments (*accepted and exempted from publication*) **(Appendix Id)**
- (e) FI received on 2.8.2019 in response to departmental comments (*accepted and exempted from publication*)

1.5 The application was received on 11.9.2018. Upon the request of the applicant, the Committee agreed to defer making a decision on the application on 2.11.2018, 22.2.2019 and 31.5.2019 respectively to allow time for the applicant to address the departmental comments. Upon receipt of the FI on 2.8.2019, the application is scheduled for consideration at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement and FIs in **Appendices I to Id**. They can be summarized as follows:

- (a) Due to revocation of the last approved application No. A/YL-KTN/480, the land owner terminated the tenancy with the ex-applicant. The applicant of the current application is the latest occupation of the Site.
- (b) The planning intention of the “OU(Railway Reserve)” zone for the development of the Northern Link (NOL) will not be realized in near future. There is also a shortage of land for open storage in Kam Tin North area. The applicant is willing to retreat from the Site at time when the Government deemed fit.
- (c) The Site falls within Category 2 areas under the TPB PG-No. 13E for ‘Application for Open Storage and Port Back-up’ uses and is in conformity of the guidelines. The Site adjoins some open storage uses and almost all of them were granted with planning approval. No sensitive receivers are found in the vicinity. The applied use would generate no significant impact on the surrounding and is compatible with the surrounding environment.
- (d) Previous approvals for various temporary open storage uses on the Site have been given and the proposed development is about the same as the last approved planning application but submitted by a different applicant. The surrounding of the Site has no significant change since the last approval in 2016. Landscape and tree preservation proposal and as-built drainage plan are submitted to support the application and the applicant agrees to implement the proposal to meet requirements of the Board. The proposed development would not generate traffic, excessive noise and drainage impacts to the surroundings. Measures to minimize environmental impacts will be implemented.

## 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 Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Town Planning Board Guideline**

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) are relevant to the application. The Site falls within Category 2 areas under TPB PG-No.13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

#### 5. **Background**

The Site is subject to on-going planning enforcement action (No. E/YL-KTN/468) against an unauthorized development (UD) involving storage use. Enforcement Notice (EN) was issued on 22.8.2018 to the concerned parties requiring discontinuation of the UD. Since the requirements of the EN have not been complied with, the concerned parties will be subject to prosecution action.

#### 6. **Previous Applications**

- 6.1 The Site is the subject of nine previous applications (No. A/DPA/YL-KTN/33, A/YL-KTN/11, 14, 258, 313, 327, 362, 414 and 480) submitted by different applicants. Details of these applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/DPA/YL-KTN/33 covering the eastern part of the Site for open storage of scrap metal and steel was approved with conditions by the Committee on 3.9.1993 for a period 3 years where the site was zoned “Open Storage” on the draft Kam Tin North Development Permission Area Plan at that time. The application was approved for the reasons that the development was in line with the planning intention for the area for open storage uses; compatible with surrounding environment characterized by industrial uses in temporary structures; and relevant departments had no objection.
- 6.3 Application No. A/YL-KTN/11 covering the eastern part of the Site for car breaking and stripping workshop was rejected by the Committee on 3.11.1995 while application No. A/YL-KTN/14 covering the same site for proposed car park was approved with conditions by the Committee on 26.4.1996 for a period of 2.5 years. The site was zoned “Undetermined” (“U”) on the OZP at that time. The former application was rejected on the grounds that the development was not in line with planning intention of “U” zone which was reserved for future construction of Western Corridor Railway; there was insufficient information regarding vehicular access arrangement, provision of loading/unloading spaces, drainage facilities and provision of measures to minimize the potential fugitive dust emission and oil leakage in the operation; and local objections received. The latter one was approved for the reasons that the development was compatible with the surrounding land use; previous approval was granted; the

site would be affected by the proposed West Rail to be constructed by 1998 and the temporary use would not jeopardize the railway development and would allow the landowner to utilize the site in the interim.

- 6.4 Application No. A/YL-KTN/258 for temporary open storage of construction materials was approved with conditions on review by the Board on 2.3.2007 for 22 months mainly for the reasons that the applicant had undertaken to carry out various environmental mitigation measures; no workshop and repairing activities would be involved; there was support from villagers of Fung Kat Heung; and sympathetic consideration might be given in view of the programme for railway construction in the area and the need to give sufficient time to implement the drainage proposal to the Drainage Services Department's satisfaction and for relocation of the operation. However, the planning permission was revoked on 7.11.2008 due to non-compliance with the approval condition related to prohibition of parking/storage of goods vehicles exceeding 5.5 tonnes and container trailers/tractors.
- 6.5 Applications No. A/YL-KTN/313, 327, 362, 414 and 480 for temporary open storage of construction materials use with or without construction machinery and parking of medium/heavy goods vehicles/lorry and container trailer/tractor were approved with conditions by the Committee between 2008 and 2016 for 18 months (A/YL-KTN/313), 3 years (A/YL-KTN/480) and 2 years (other applications) respectively for similar reasons that the developments were not incompatible with the surrounding land uses; the exact alignment and development programme of the NOL had yet to be finalised and temporary approval would not jeopardise the long-term planning intention of the "OU(Railway Reserve)" zone; the applications were generally in line with TPB PG-No. 13E in that they were for continuing the approved use; relevant departments except the Director of Environmental Protection (DEP) had no adverse comment on the application and previous approvals had been granted; and the environmental concern of DEP could be addressed by appropriate approval conditions. However, planning permissions for Applications No. A/YL-KTN/313, 362 and 414 were revoked between 2009 and 2014 due to non-compliance with approval conditions related to prohibition of parking/storage of goods vehicles exceeding 5.5 tonnes and container trailers/tractors and stacking of materials above the height of the peripheral fencing, the submission of a record of the existing drainage facilities on the site and submission/implementation of landscape/drainage proposals. Planning permission for the last application No. A/YL-KTN/480 was revoked on 8.4.2017 due to non-compliance with approval conditions on submission and implementation on drainage proposal and implementation of landscape and tree preservation proposals.

## 7. Similar Applications

- 7.1 There are 11 similar applications (No. A/YL-KTN/342, 353, 419, 425, 440, 476, 515, 534, 586, 591 and 653) for various temporary open storage uses within the same “OU(Railway Reserve)” zone since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 All of these applications were approved with conditions by the Committee between 2010 and 2019 for similar reasons that the developments were not incompatible with the surrounding land uses; the alignment of the proposed NOL had yet to be finalized and temporary approvals would not jeopardize the long term planning intention of the “OU(Railway Reserve)” zone; the applications were generally in line with TPB PG-No.13E in that relevant departments except the DEP had no adverse comment on the application and previous approvals had been granted; and the environmental concern could be addressed by appropriate approval conditions. However, the planning permissions for Application Nos. A/YL-KTN/419 and 476 were revoked in 2014 and 2018 respectively due to non-compliance with approval conditions.

## 8. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

- 8.1 The Site is:
- (a) accessible via a local access branching off San Tam Road to its west;
  - (b) hard paved and fenced off; and
  - (c) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas are mixed with open storage/storage yards, warehouses, workshops, parking of vehicles/container vehicles, a sewage pumping station and vacant/unused land. Some of them are suspected UD subject to enforcement action by the Planning Authority:
- (a) to its immediate north is an existing track and a residential dwelling/structure (less than 10m) across the track. Further north are a workshop, open storage/storage yard with planning permission (application No. A/YL-KTN/591) and a residential dwelling/structure. The existing residential settlements of Mo Fan Heung and Sha Po Tsuen are located about 300m to its further northeast and southeast respectively (**Plan A-1a**)

- (b) to its east are warehouses. To its further east are warehouses, parking of container vehicles and a residential structure/dwelling within the “Industrial (Group D)” zone;
- (c) to its south are parking of vehicles/container vehicles, a sewage pumping station and vacant/unused land; and
- (d) to its immediate west is a channel and unused land. To its further west are San Tam Road and San Tin Highway.

## 9. **Planning Intention**

The planning intention of the “OU(Railway Reserve)” zone is primarily for railway development. According to the Explanatory Statement of the OZP, the area covers the proposed NOL alignment, and the exact alignment of the NOL has yet to be finalized.

## 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 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) Lot No. 431, 433 S.B and 1739 RP in D.D. 107 within the Site are covered by Short Term Waiver (STW) No. 4235 to permit structures erected thereon for the purpose of “temporary open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors”.
- (c) The Government Land (GL) within the Site is covered by Short Term Tenancy (STT) No. 2875 for the purpose of “temporary open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors”.



- (d) The Site is accessible from San Tam Road via 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.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area (SKAHRA).
- (f) Should the application be approved, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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.

10.1.2 Comments of the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD):

- (a) The Site falls within “Railway Development Strategy (RDS) 2014 Northern Link and Kwu Tung Station Limit of Area of Influence” and slightly encroaches onto “RDS 2014 Northern Link and Kwu Tung Station Administrative Route Protection Boundary”.
- (b) Provided that Chief Engineer/Railway Development 1-1 of Railway Development Office, Highways Department has no objection against the application and the development would not pose obstacles to the acquisition of land for implementation of the NOL project, he has no strong view against the application.

**Traffic**

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

- (a) He has no comment on the application from traffic engineering perspective.

- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (d) Vehicles exiting the Site can only make right turn to San Tam Road.

10.1.4 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) If the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at San Tam Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) His department does not and will not maintain any access connecting the Site and San Tam Road. The applicant should be responsible for his own access arrangement.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

10.1.5 Comments of the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department (CE/RD1-1, RDO, HyD):

- (a) He has no in-principle objection to the application with application period of 3 years from the development point of view of the NOL Project.
- (b) The Site falls within the administrative route protection boundary for the proposed NOL. Although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the

NOL. The applicant shall be reminded of the above when planning his land use application.

### **Environment**

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

- (a) According to the ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’, he does not support the application as there are residential dwellings to the north of the Site (**Plan A-2**) and the applied use involved the use of heavy vehicles.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.
- (c) There is no substantiated environmental complaint concerning the Site received by DEP in the past three years.

### **Landscape**

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

According to the applicant’s submission, “although the last planning permission being held by another person was revoked due to the non-compliance of ... implementation of landscape and tree preservation proposal, the applicant undertook in this planning application to replenish the missing and dead trees to enhance the visual environment”. Therefore, should the application be approved, conditions on the submission and implementation of landscape proposal should be included.

### **Drainage**

#### 10.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.

- (b) Should the application be approved, approval conditions on submission of a revised drainage proposal, implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.
- (c) His detailed comments on the submitted drainage proposal are at **Appendix V**.

### **Fire Safety**

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

- (a) He has no in-principle objection to the proposal subject to fire service installations (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 layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant should be advised to adhere to the good practice guidelines for open storage in **Appendix VI**.
- (c) Having considered the nature of the open storage use, approval condition on provision of fire extinguisher(s) within 6 weeks from the date of the planning approval to his satisfaction should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) to his department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

#### 10.1.10 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 for the existing structures at the Site and BD is not in a position to offer comments on their suitability for the applied use.
- (b) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any applied use under the application.
- (d) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (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.

### **Nature Conservation**

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

- (a) As the Site has been paved and used for similar purpose for some years, he has no comment on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant is advised to adopt good site practice and necessary measures to prevent damaging trees adjoining the Site during operation.

**Electricity**

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

*Electricity Safety*

- (a) Based on information provided, there are 400kV extra high voltage overhead lines running across the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). He has no in-principle objection to the application subject to the following conditions pertaining to electricity supply safety and reliability, being strictly complied with by the applicant and his contractor:
- (i) Reference should be made to the requirement of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 – Utility Services of the HKPSG and ensure they shall be maintained at any time during and after construction.
  - (ii) No scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines.
  - (iii) In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming.
  - (iv) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

- (v) As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity, if any.

*Town Gas safety*

- (b) There is a high pressure underground town gas pipeline running along San Tam Road in the vicinity of the Site.
- (c) The project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/ gas installations in the vicinity of the works sites and any required minimum set back distance away from them during the design and construction stages of the development.
- (d) The project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Avoidance of Damage to Gas Pipes 2nd Edition" for reference. The webpage address is: [https://www.emsd.gov.hk/filemanager/en/content\\_286/CoP\\_gas\\_pipes\\_2nd\\_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf).

**District Officer's Views**

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

He has not received any local's comment on the application and he has no comment on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Project Manager/West, Civil Engineering and Development Department; and
- (c) Commissioner of Police.

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

11.1 On 21.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments

from a Yuen Long District Council member and an individual were received (**Appendices VII-1 and VII-2**).

- 11.2 The commenters object to the application mainly on the grounds that the fundamental factors leading to revocation of the last application remain unchanged; the applied use will generate adverse traffic impact and lead to flooding and hygiene problem.

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

- 12.1 The application is for temporary open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors for a period of 3 years at “OU (Railway Reserve)” zone. The planning intention of the zone is primarily for reservation of land for railway development, i.e. the NOL. Although the applied use is not in line with the planning intention of “OU(Railway Reserve)” zone, CE/RD 1-1, RDO of HyD advised that the alignment and programme of the NOL are still under review and he has no in-principle objection to the application for a period of 3 years from development point of view of the NOL project. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone.
- 12.2 The applied use is considered not incompatible with the surrounding land uses predominated by open storage/storage yards, warehouses, workshops, parking of vehicles/container vehicles, a sewage pumping station and vacant/unused land. Furthermore, an area located to the east of the Site which is zoned “I(D)” on the OZP is intended for rural industrial uses.
- 12.3 According to TPB PG-No. 13E, the Site falls within Category 2 areas. The following guidelines are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.4 The application is considered generally in line with TPB PG-No. 13E as relevant departments consulted except DEP have no adverse comments on the application. The applicant has also submitted landscape and tree preservation and drainage proposals in the current application. DEP does not support the application as there are sensitive receivers, i.e. residential structures to the north and the applied use involved the use of heavy vehicles, and environmental nuisance is expected.



Nevertheless, there is no substantiated environmental complaint received at the Site in the past three years. Besides, the Site is directly accessible to San Tam Road with a short stretch of local track and traffic generated from the Site would not pass through any major residential development in the area. To minimize the possible environmental nuisance, approval conditions restricting the operation hours and workshop activities as well as maintenance of the existing boundary fencing are recommended in paragraphs 13.2 (a) to (d) below. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites”. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraphs 13.2 (e) to (o) below.

- 12.5 The Site is the subject of nine previous applications and eight of them for open storage with/without ancillary parking use were approved by the Committee or the Board on review, with the last application (No. A/YL-KTN/480) for the same applied use approved with conditions by the Committee on 8.1.2016. Although the planning permission was revoked due to non-compliance with approval conditions on submission and implementation on drainage proposal and implementation of landscape and tree preservation proposal, the current application is submitted by a different applicant of the last application and landscape and tree preservation and drainage proposals are submitted in the current application to support of the applied use. As previous approvals have been granted at the Site and there is no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. There are also 11 similar applications for various open storage uses within the same “OU (Railway Reserve)” zone approved by the Committee since 2008.
- 12.6 Two public comments were received during the statutory publication period and objecting to the application as stated in paragraph 11 above. In this regard, the departmental comments as well as planning considerations and assessments above are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department considers that the temporary open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors use 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 20.9.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 9:00 a.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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of run-in/out proposal to/from San Tam Road within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board by 20.3.2020;
- (g) in relation to (f) above, the implementation of run-in/out proposal to/from San Tam Road within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board by 20.6.2020;
- (h) the submission of landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.3.2020;
- (i) in relation to (h) above, the implementation of landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.6.2020;
- (j) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.3.2020;

- (k) in relation to (j) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.6.2020;
- (l) in relation to (k) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (m) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.11.2019;
- (n) 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 20.3.2020;
- (o) in relation to (n) above, the provision 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 20.6.2020;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e) or (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (q) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (m), (n) or (o) 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.

#### Advisory Clauses

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

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

the development is not in line with the planning intention of the "OU(Railway Reserve)" zone which is primarily for railway development. 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.
- 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 with supplementary planning statement and information received on 11.9.2018
<b>Appendix Ia</b>	FI received on 3.1.2019
<b>Appendix Ib</b>	FI received on 28.1.2019
<b>Appendix Ic</b>	FI received on 11.4.2019
<b>Appendix Id</b>	FI received on 2.8.2019
<b>Appendix II</b>	Relevant extract of the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E)
<b>Appendix III</b>	Previous applications covering the Site
<b>Appendix IV</b>	Similar applications within the same “OU(Railway Reserve)” zone on the Kam Tin North OZP
<b>Appendix V</b>	Detailed comments of CE/MN of DSD
<b>Appendix VI</b>	Good Practice Guidelines for Open Storage Site issued by D of FS
<b>Appendices VII-1 and VII-2</b>	Public comments received during the statutory publication period
<b>Appendix VIII</b>	Advisory clauses

<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	Vehicular Access 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 4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2019**