

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

**APPLICATION NO. A/KTN/87**

<b><u>Applicant</u></b>	Mr. Man Shun-chai represented by Lanbase Surveyors Limited
<b><u>Site</u></b>	Lots 868 RP (Part), 869, 870, 871(Part), 872, 873 and 874 in D.D. 95, Kwu Tung North, Sheung Shui, New Territories
<b><u>Site Area</u></b>	about 10,200 m <sup>2</sup>
<b><u>Lease</u></b>	Old Schedule lots held under the Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/2
<b><u>Zoning</u></b>	“Residential (Group B)” (“R(B)”) (about 42.1%) An area shown as ‘Road’ (about 38%) “Other Specified Uses” annotated “Business and Technology Park” (“OU(B&TP)”) (about 11.4%) “Open Space (1)” (“O(1)”) (about 8.3%) “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) (about 0.2%)
<b><u>Application</u></b>	Renewal of Planning Approval for Temporary Container Trailer/Tractor Park for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission for temporary container trailer/tractor park at the application site (the Site) for a period of 3 years. The Site falls within various zones and an area shown as ‘Road’ on the approved Kwu Tung North OZP No. S/KTN/2 (**Plan A-1**). According to the Notes of the OZP, the proposed temporary use requires permission of the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site falls within the Kwu Tung North New Development Area (KTN NDA) Remaining Phase area. The Site is currently used for the applied use with planning permission granted under Application No. A/KTN/62 valid until 13.7.2022.
- 1.2 The Site is the subject of 8 previous applications for the same use which were all approved. The last Application No. A/KTN/62 submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) on 21.6.2019. The planning permission is valid until 13.7.2022 and all approval conditions have been complied with.

- 1.3 According to the submission, the proposal and layout of the current application are generally the same as the last approved scheme (Application No. A/KTN/62), i.e. 47 numbers of container/tractor parking spaces, operation hours from 8:00 a.m. to 9:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible at the northwest via a local track connecting Ho Sheung Heung Road (**Plan A-1**). The existing vehicular access, noise mitigation measures, drainage facilities, landscaping features and fire precaution measures will be maintained. The existing noise mitigation measures include 3m/2.5m-high noise barrier along the Site boundary, 2.5m-high noise barrier alongside the local access road, paved ground surface of the local access and the Site, placing speed limit signage along the local access road. **Drawings A-1 and A-2** show the layout and implemented landscape proposal.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 11.5.2022 **(Appendix I)**
  - (b) Supplementary Planning Statement **(Appendix Ia)**
  - (c) Further Information (FI) dated 9.6.2022<sup>#</sup> **(Appendix Ib)**  
*<sup>#</sup>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 Supplementary Planning Statement and the FI at **Appendices Ia** and **Ib**. They are summarized as follows:

- (a) The Site was granted with 8 approved planning permissions for the same use from 2002 to 2019. Comparing the current application with the last approved application No. A/KTN/62, the parking facilities and the site conditions remain the same. Without major change of planning circumstances, continuing the current use should be allowed.
- (b) All the approval conditions for the last application No. A/KTN/62 have been complied with.
- (c) Planning permissions for similar uses near the Site have recently been granted by the Board.
- (d) The applied use is compatible with the surrounding open storage, container parks and other port back-up uses.
- (e) The applied use is only temporary in nature which would not contravene the long-term development of the concerned zonings on the OZP.
- (f) The application is in line with TPB Guidelines No.13F – Town Planning Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG No.13F).
- (g) Considering the daily trip rate at the moment is less than that in the last application and limitation on operation hours for the applied use, no adverse traffic impact is anticipated. The Site is paved and implemented with properly maintained noise mitigation measures. No environmental impacts are anticipated. The existing

drainage facilities on site would be properly maintained to avoid surface run-off to surrounding roads.

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

The applicant is not the 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.31) by sending notice to the concerned land owner. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Town Planning Board Guidelines**

The Town Planning Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) and ‘Renewal of Planning Approval and Extension of Time Limit for Compliance with Planning Conditions’ (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

**5. Background**

The Site is not subject to active planning enforcement action.

**6. Previous Applications**

- 6.1 The Site is the subject of 8 previous applications (No. A/NE-KTN/93, 101, 108, 121, 140, 167, A/KTN/27 and 62) for the same temporary container trailer/tractor park for three years. All were approved by the Committee. Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/NE-KTN/93, 101, 108, 121, 140, 167 and A/KTN/27 were approved between 2004 and 2016 on similar grounds that the proposed use was not incompatible with surrounding land uses; concerns on environmental and traffic impacts could be mitigated by relevant approval conditions; the proposed use was unlikely to have significant adverse traffic, drainage and environmental impacts on the surrounding areas; similar applications in the same zone had been approved; and the applications would not frustrate the planning intention of the zone.
- 6.3 The last Application No. A/KTN/62 submitted by the same applicant for the same applied use as the current application was approved by the Committee on 21.6.2019 on similar considerations. The planning permission is valid until 13.7.2022 and all approval conditions have been complied with.

**7. Similar Applications**

- 7.1 There are 4 similar applications (No. A/KTN/53, 60, 67 and 82) involving three sites for temporary container tractor/trailer/goods vehicle park mainly within ‘Road’ area/ ‘R(B)’ zone on the same OZP. They were approved by the Committee from 2018

to 2022 mainly on grounds that the applications generally complied with the TPB PG-No.13E or No. 13F in that there were no major adverse departmental comments on the applications, and environmental concerns could be addressed by relevant approval conditions.

- 7.2 Details of the similar applications are summarised at **Appendix IV** and the location is shown on **Plan A-1**.

**8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on **Plan A3** and site photos on **Plan A-4**)**

- 8.1 The Site is:

- (a) paved and partly fenced;
- (b) currently used as a container trailer/tractor park with valid planning permission; and
- (c) accessible via a local track connecting Ho Sheung Heung Road.

- 8.2 The surrounding areas are a mix of unused land, fallow agricultural land, open storage, logistic centres and parking:

- (a) East Rail Lok Ma Chau Spur Line (underground) is to its north and the northern part of the Site is within the Railway Protection Boundary;
- (b) to the north and northeast of the Site are logistic centres, open storage of construction materials and parking of containers and trailers; to its further north are fallow agricultural land with domestic structures.
- (c) to its east, south and west are mainly a pond, area with vegetation, Sheung Yue River, fallow agricultural land and domestic structures.

**9. Planning Intentions**

- 9.1 The “R(B)” zone is primarily intended for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on the application to the Board.
- 9.2 Area shown as ‘Road’ is intended for road development.
- 9.3 The “OU(B&TP)” is primarily intended for medium-density development to provide a mix of commercial, office, design, research and development uses for promoting high technology business development.
- 9.4 The “O(1)” zone is primarily intended for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

10.1 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the recommended Advisory Clauses are provided in **Appendices V and VI** respectively.

10.2 The following government departments have adverse comments on the application.

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

- (a) He does not support the application as the applied use will attract heavy vehicle traffic and there are residential premises within 50m of the access road and within 100 m of the Site.
- (b) There is no environmental complaint case related to the Site for the past 3 years.
- (c) Should the application be approved, the applicant is advised to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

10.2.2 Comment of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

The Site falls within the study area of KTN New Development Area – Remaining Phase. According to the latest implementation programme of the project, it is aimed to commence the construction works for the Remaining Phase in 2024. Therefore, the period of the application should be ended on or before end 2023.

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

On 17.5.2022, the application was published for public inspection. During the three weeks of the statutory public inspection period, two public comments from two individuals were received (**Appendix VII**). One individual objects the application mainly for the reasons that the applied use will cause traffic congestion, environmental pollution and cause risk on fire and villagers' safety, as well as living quality. The other individual indicates no comment.

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

12.1 The application is for renewal of planning permission for temporary container tractor/trailer park at the Site for a period of 3 years. The Site mainly falls within "R(B)" and an area shown as 'Road' on the approved Kwu Tung North OZP No. S/KTN/2. The applied use is not in line with the planning intention of the zonings. The Site falls within the KTN NDA Remaining Phase. Implementation of the KTN NDA First Phase has commenced in 2019. According to PM/N, CEDD the construction works for the Remaining Phase is aimed to commence in 2024. Should the application be approved, an advisory clause stating that the Site may be resumed

by the Government at any time during the planning approval period for the implementation of government projects is recommended.

- 12.2 The applied use is considered not incompatible with the surrounding land uses which comprise mainly logistic centres, open storage yards and parking of containers and trailers (**Plan A-2**).

- 12.3 The Site falls within the KTN NDA. For application in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.

- 12.4 DEP does not support the application as there are sensitive uses in the vicinity of the Site and the applied use involves the use of heavy vehicles, and environmental nuisance is expected. However, DEP has not received any complaints involving the Site in the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting operation hours and requiring maintenance of existing noise mitigation measures of boundary fencing are recommended in paragraph 13.2. The applicant will also be advised to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize environmental impacts on the adjacent areas.

- 12.5 The current application for the renewal of the planning permission under Application No. A/KTN/62 for the same use for a further period of 3 years is in line with TPB PG-No. 34D in that there is no material change in planning circumstance of the Site and its surrounding area since approval of the last application; concerned departments including C for T, CE/MN, DSD, D of FS and CTP/UD&L, PlanD have no adverse comment on the application; adverse planning implications arising from the renewal of the planning approval are not anticipated; and all the approval conditions under the previous application have been complied with.

- 12.6 In view of the above, the application is considered as in line with the TPB PG-No. 13F.

- 12.7 The Committee has approved 8 previous applications for same use at the Site as detailed in paragraph 6. Approval of the current application is in line with the previous decision of the Committee.

- 12.8 2 public comments were received. Relevant Government departments' comments and planning considerations set out above are relevant.

### 13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and have taking into account the public comment in paragraph 11, the Planning Department considered that the applied use could be tolerated for a further period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 14.7.2022 until 13.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing access road should be managed and maintained at all times during the planning approval period;
- (d) the existing noise mitigation measures should be managed and maintained at all times during the planning approval period;
- (e) the existing peripheral fencing should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities shall be properly maintained and rectified if they are found inadequate/ineffective at all times during the planning approval period;
- (g) the existing fire service installations shall be properly maintained and rectified if they are found inadequate/ ineffective at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities implemented on the Site within 3 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.10.2022;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if the above planning condition (h) 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.

*[The above conditions are similar to those under the last approved Application No. A/KTN/62, except the deletion of conditions on the submission and implementation of fire service installations proposal since the proposal in **Appendix Ia** and the*

*certificate of fire service installation and equipment in **Appendix Ib** are accepted by D of FS]*

#### Advisory clauses

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

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

the applied use is not in line with the planning intention of concerned zonings on the OZP. There is no strong justification for a departure from the planning intentions 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 the 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 11.5.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI dated 9.6.2022
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13F and 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government departments' general comments
<b>Appendix VI</b>	Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos



**PLANNING DEPARTMENT**  
**JUNE 2022**