

RNTPC Paper No. A/STT/9
For Consideration by
the Rural and New Town
Planning Committee
on **6.9.2024 20.9.2024**

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

APPLICATION NO. A/STT/9

- Applicant** : Ocean First (Hong Kong) Limited
- Site** : Lots 764 RP (Part) and 768 RP (Part) in D.D. 99, Lots 199 S.C (Part), 200 S.B (Part), 204 RP (Part) and 215 RP (Part) in D.D. 105, and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 20,692m² (including GL of about 610m² (about 2.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1
- Zonings** : “Government, Institution or Community (1)” (“G/IC(1)”) (about 42%), “Open Space” (“O”) (about 14%), “Other Specified Uses” annotated “Logistics, Storage and Workshop (2)” (“OU(LSW(2))”) (about 4%), and area shown as ‘Road’ (about 40%)
- [“G/IC(1)” : restricted to a maximum building height of 8 storeys; and*
- “OU(LSW(2))” : restricted to a maximum plot ratio of 2 and maximum building height of 55mPD]*
- Application** : Renewal of Planning Approval for Temporary Logistics Centre with Ancillary Container Vehicle Park and Car Repair Workshop, Warehouse for Cold Storage and Car Beauty Service for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary logistics centre with ancillary container vehicle park and car repair workshop, warehouse for cold storage and car beauty service for a period of three years at the application site (the Site) which falls within an area partly zoned “G/IC(1)” (42%), “O” (14%) and “OU(LSW(2))” (4%), and partly shown as ‘Road’ (40%) on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Cargo Handling and Forwarding Facility’, ‘Container Vehicle Park/Container Vehicle Repair Yard’, ‘Vehicle Repair Workshop’ and ‘Warehouse (excluding Dangerous Goods Godown)’ are always permitted on “OU(LSW)” zone, whereas planning permission from the Town Planning Board (the Board) is required for the applied use on “G/IC(1)” and “O” zones and area shown as ‘Road’. The Site is currently used for the applied use with valid planning permission under application No. A/YL-ST/594 until 12.11.2024 (**Plans A-2 to A-4b**).

- 1.2 The Site is accessible from its south via an ingress/egress connecting to Castle Peak Road – San Tin (**Plans A-2**). According to the applicant, the applied use comprises a total of 29 one to two-storey structures (2.5m to 10m in height), including 11 main structures (No. 1 to 11) and 18 minor structures (No. A to R) with a total gross floor area (GFA) of about 14,555.2m² for logistics centre and other ancillary uses including car repair workshop, warehouse for cold storage, staff resting room, washroom, security room, office, metre room, store room, E&M facilities and a shelter. Six parking spaces and six loading and unloading (L/UL) bays for container vehicles, as well as four private car parking spaces are provided at the Site (**Drawing A-1**). The operation hours are from 8:00am to 8:00pm from Monday to Saturday, with no operation on Sundays and public holidays.
- 1.3 The Site, in whole or in part, is the subject of 15 previous applications for various temporary open storage/logistics centre and associated uses (details at paragraph 6 below), of which 14 of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 1994 and 2021 (**Plan A-1b**). The last application No. A/YL-ST/594 was approved by the Committee on 12.11.2021 for a period of three years, and all time-limited approval conditions have been complied with. Compared with the last application, the current application is submitted by the same applicant for the same applied use at the same site with the same layout, development parameters and operation hours.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 18.7.2024 and Supplementary (**Appendix I**) Information (SI) received on 24.7.2024
 - (b) Further Information (FI) received on 19.8.2024* (**Appendix Ia**)
**accepted and exempted from the publication and recounting requirements*
- 1.5 ***In light of ‘gale/storm signal No. 8’ announced by the Government on 5.9.2024, the Committee agreed on 8.9.2024 to defer considering of the application to this meeting.***

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The Site is the subject of a previously approved planning application No. A/YL-ST/594 for the same applied use with the same layout. All time-limited approval conditions under the previous application had been satisfactorily complied with. The applicant will continue to maintain the existing drainage, fire services facilities and landscape amenities on the Site.
- (b) The applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) issued by the Environmental Protection Department (EPD) to minimise adverse environmental impact and nuisance to the surrounding areas. Car-washing activity at the Site has already obtained wastewater discharge licences from EPD. No night time operation will be carried out at the Site to minimise potential noise impact.

- (c) A maximum of six container vehicle trips per hour will be generated by the applied use. The traffic generation by the applied use is not significant and will not increase the existing traffic volume in the area. Also, sufficient maneuvering space has been reserved within the Site. Since container vehicles will enter the Site via advanced appointment, no vehicle queuing or L/UL activities outside the Site on the public road are expected, and hence no adverse traffic impact is anticipated.
- (d) The applied use is compatible with the surrounding areas which is characterised by open storage and container-related uses. The applied use could also satisfy the demand for logistics use and create job opportunities. The applied use is on a temporary basis without any permanent structures and will not jeopardise the long-term planning in future.
- (e) The lot owner is following up on matters related to the Short Term Waiver (STW) and Short Term Tenancy (STT) applications for the concerned lot.

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

The applicant is not a “current land owner” of the private land within 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. 31B) by publishing notices in local newspapers and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

- 4.1 The 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. 13G) promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within the San Tin Technopole (the Technopole), which is regarded as a new development area (NDA).
- 4.2 The Site is located within the Wetland Buffer Area (WBA) in Deep Bay Area (**Plan A-1a**). The Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application.
- 4.3 The 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. 34D) is also relevant to the application.
- 4.4 Relevant extracts of the abovementioned Guidelines are attached at **Appendix II**.

5. Background

- 5.1 The Site fell within an area zoned “Residential (Group D)” (“R(D)”) on the then approved San Tin OZP No. S/YL-ST/8. In order to take forward the Technopole development, the draft San Tin Technopole OZP No. S/STT/1, which covers the Site among others, was exhibited under section 5 of the Town Planning Ordinance on 8.3.2024. The Site now

falls within an area partly zoned “G/IC(1)”, “O” and “OU(LSW(2))” and partly shown as ‘Road’ on the draft San Tin Technopole OZP.

5.2 The Site is not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site (in whole or in part) is the subject of 15 previous applications (No. A/DPA/YL-ST/27, A/YL-ST/27, 37, 39, 72, 75, 121, 123, 233, 305, 360, 404, 455, 512 and 594), of which one was rejected by the Committee in 1997 whereas the remaining 14 were approved with conditions by the Committee or the Board between 1994 and 2021.
- 6.2 Amongst the 14 previously approved applications, eight (No. A/DPA/YL-ST/27, A/YL-ST/37, 39, 72, 75, 121, 123 and 233) were submitted by other applicants and three (No. A/YL-ST/305, 360 and 404) were submitted by the current applicant for temporary open storage of containers and/or container vehicle/trailer park (some with ancillary trailer/vehicle repairing area/workshop and diesel oil tank) and/or cargo handling and forwarding facilities, which were approved by the Committee or the Board from 1994 to 2011 mainly on the considerations that the intended uses could help alleviate the acute shortage of port back-up land in the San Tin area; the intended uses were not incompatible with the surrounding areas; and the concerns of government departments could be addressed by imposing approval conditions.
- 6.3 The remaining three previously approved applications (No. A/YL-ST/455, 512 and 594) were submitted by the current applicant for temporary logistics centre with ancillary container vehicle park, vehicle repair workshop, car beauty service uses (for No. A/YL-ST/455, 512 and 594), as well as warehouse for cold storage (for No. A/YL-ST/594 only). They were all approved with conditions by the Committee between 2014 and 2021, mainly on the considerations that the intended uses would not frustrate the long-term planning intention of the “R(D)” zone on the then OZP; were not incompatible with the surrounding areas; and were in line with the Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Uses in that the Site fell within Category 2 areas with previous approvals and there was no adverse comment from concerned government departments or their concerns could be addressed by imposing approval conditions. For the last application No. A/YL-ST/594, all the approval conditions were complied with.
- 6.4 One application (No. A/YL-ST/27) for temporary open storage of containers was rejected by the Board on review in 1997 mainly on the considerations that the intended use was not in line with the planning intention of “R(D)” zone on the then OZP; no information to demonstrate that mitigation or improvement measures required could be implemented; and approval of the application would set an undesirable precedent for similar applications.
- 6.5 Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Application

- 7.1 During the past five years, there were two similar applications (No. A/YL-ST/607 and

665)¹ involving a same site for temporary cargo handling and forwarding facilities with or without warehouse for cold storage within or straddling across the same “OU(LSW(2))”, “O” or “G/IC(1)” zones or the area shown as ‘Road’ in the vicinity of the Site, which were approved with conditions in 2022 and 2024 each for a period of three years mainly on similar considerations as stated in paragraph 6.3 above. The planning permission under application No. A/YL-ST/607 was subsequently revoked due to non-compliance with approval conditions.

- 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-1a to A-4b)

- 8.1 The Site is:

- (a) located within the WBA of Deep Bay Area;
- (b) accessible at its south from Castle Peak Road – San Tin; and
- (c) currently used for the applied use with valid planning permission (No. A/YL-ST/594) until 12.11.2024.

- 8.2 The surrounding areas are predominantly occupied by cargo handling and forwarding facilities (with valid planning permission under application No. A/YL-ST/665), parking of vehicles/crane lorry (with valid planning permissions under application No. A/YL-ST/613, 663 and A/STT/6), shop for sale of vehicle parts and accessories (with valid planning permission under application No. A/STT/5), vehicle repair workshops, open storage of construction materials/recycled product, ponds and San Tin Western Main Drainage Channel.

9. Planning Intention

- 9.1 The “G/IC” zone is intended primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 9.2 The “O” zone is intended primarily 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.
- 9.3 The “OU(LSW)” zone is intended primarily for logistics, storage and workshop uses and development of multi-storey buildings for modern industries, which may also accommodate brownfield operations affected by Government projects.
- 9.4 The area shown as ‘Road’ forms part of the area reserved for future Roads D3, L11 and L12 of the Technopole.

¹ These similar applications fell within “R(D)” zone on the then approved San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 IV** and **V**.

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

Land Administration

10.2.1 Comments from the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) he has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 764RP and 768 RP in D.D. 99, Lot Nos. 199 S.C, 200 S.B, 204 RP and 215 RP in D.D. 105 under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government and GL;
- (c) the private lots are covered by STWs as below table:

STW No.	Lot No.	Purposes
3652	768 RP in D.D.99	Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park with Ancillary Vehicle Repair Workshop
3653	204 RP in D.D.105	

- (d) a portion of GL (about 518m²) within the Site is covered by a STT No. 2647 for the purposes of “Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park with Ancillary Vehicle Repair Workshop”;
- (e) LandsD has reservation on the planning application since there is/are unauthorised structure(s) or uses on the Lot No. 764 RP in D.D. 99 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches demanded by LandsD; and
- (f) if the planning application is approved, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate and the lot owner(s) shall apply to his office for a STW and/or STT to permit the structure(s) erected within the said private lot(s) and the occupation of the GL. The application(s) for STW/STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is

temporary in nature, only erection of temporary structure(s) will be considered.

Environment

10.2.2 Comments from the Director of Environmental Protection (DEP):

- (a) he does not support the application in accordance with the latest COP as there are sensitive receivers in the vicinity (i.e. a residential structure is about 3m south of the Site) and the application involves six parking spaces and six L/UL spaces for container vehicles, which are considered as “heavy vehicle” under the context of COP; and
- (b) there was one non-substantiated environmental complaint on illegal waste water discharge related to the Site in the past three years.

10.3 The following government departments have specific comments on the application:

Project Interface

10.3.1 Comments from the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

the Site is located within the boundary of the Technopole and under the Phase 1 Stage 1 development. According to the latest tentative development programme, it is targeted to commence the works in phases tentatively from end 2024 onwards after the funding approval by the Finance Committee of the Legislative Council was attained. Therefore, the Site would be required for timely clearance and construction.

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

- (a) part of the Site falls within an area zoned “O” on the draft San Tin Technopole OZP No. S/STT/1. He has no plan to develop the Site into public open space in the upcoming three years; and
- (b) since the application is for three years only, he has no in-principle objection to the application.

11. Public Comment Received During Statutory Publication Period

On 26.7.2024, the application was published for public comment. During the statutory publication period, two public comments were received from individuals raising concerns that the approval condition regarding fire safety should be fully complied with; and the applied use would affect the land reserved for road and sewerage works, thus jeopardising the long-term development of the area. (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary logistics centre with

ancillary container vehicle park and car repair workshop, warehouse for cold storage and car beauty service for a period of three years at the Site which falls within an area partly zoned “G/IC(1)”, “O” and “OU(LSW(2))” and partly shown as ‘Road’ on the draft San Tin Technopole OZP (**Plan A-1a**). While the applied use is always permitted for the portion of the Site under the “OU(LSW)” zone (about 4%), planning permission from the Board is required for the portion (about 96%) falling within “G/IC(1)” and “O” zones and shown as ‘Road’ on the OZP. While the applied use is not in line with the planning intentions of “G/IC” and “O” zones and the area shown as ‘Road’, the applied use could be tolerated for a further period of three years taking into account the assessment below.

- 12.2 On the long-term development perspective, PM(N) of CEDD advises that the Site will be required for timely clearance and construction for relevant works under Phase 1 Stage 1 development of the Technopole tentatively starting from end 2024 onwards. Besides, DLCS expresses no objection to the temporary use at the Site as there is no plan to develop the planned public open space at the subject “O” zone in the upcoming three years. In view of comments from PM(N) of CEDD and DLCS, it is recommended to incorporate an advisory clause to remind the applicant that the Site may be resumed by the Government and the applied use may be terminated at any time during the planning approval period for implementation of Government projects, should the application be approved by the Board.
- 12.3 The Site is currently used for the applied use, which is the same as the last approved application No. A/YL-ST/594 and is considered not incompatible with the existing land uses in the surroundings, comprising predominantly cargo handling and forwarding facilities, open storage uses, vehicle repair workshops and vehicle parks (**Plan A-2**). While the Site has been rezoned from “R(D)” on the then approved San Tin OZP to an area partly zoned “G/IC(1)”, “O” and “OU(LSW(2))” and partly shown as ‘Road’ on the draft San Tin Technopole OZP, there has been no material change in planning circumstances of the Site, the site condition and the surrounding land uses since the granting of the previous approval. The Chief Town Planner/Urban Design and Landscape, Planning Department advises that no further adverse landscape impact arising from the applied use at the Site is anticipated and has no objection to the application from landscape planning perspective.
- 12.4 The Site falls within the WBA under TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. While the Site is located near the Mai Po Lung Village Egrettry, the Director of Agriculture, Fisheries and Conservation (DAFC) has no objection to the application from nature conservation point of view and advises that the applicant should preserve the existing trees along the site boundary and in the close vicinity of the Site, avoid disturbing the breeding birds and their nests and eggs, and also avoid directing lighting to the concerned trees. It is recommended to incorporate an advisory clause in relation to DAFC’s advice.
- 12.5 DEP does not support the application as the applied use involves the use of heavy vehicles and environmental nuisance to the sensitive receivers in the vicinity of the Site (i.e. the nearest residential structure is about 3m south of the Site) is expected. Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. Should the application be approved, the applicant will be advised to follow the COP issued by EPD to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.

- 12.6 DLO/YL of LandsD has adverse comments on the application in view of the unauthorised structure(s) on one of the lots of the Site. In this regard, the applicant indicates that the lot owner is following up with the required STW and STT application(s) for the concerned lot. A relevant advisory clause on the need for application to LandsD for regularisation of unauthorised structures and uses is recommended.
- 12.7 Other relevant government departments including the Commissioner for Transport, Chief Engineer/Mainland North of the Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application from traffic, drainage and fire safety aspects respectively. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.8 The application is considered generally in line with TPB PG-No. 13G in that the Site falls within the Technopole (i.e. a NDA); three previous approvals involving logistics centre with ancillary container vehicle park, vehicle repair workshop and car beauty service had been granted for the Site from 2014 to 2021, and the Site is currently used for the applied use with valid planning permission. For the last approved application, all time-limited approval conditions were satisfactorily complied with. The current application is submitted by the same applicant for the same applied use at the same Site with the same layout, development parameters and operation hours. Relevant government departments have no objection to or no adverse comment on the application or their concerns could be addressed as mentioned in paragraphs 12.2 to 12.7 above. In this regard, sympathetic consideration may be given to this application.
- 12.9 The application is considered generally in line with TPB PG-No. 34D in that no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the last application (No. A/YL-ST/594) had been complied with; and the three-year approval period sought which is same as the previous planning application is reasonable.
- 12.10 As detailed in paragraphs 6 to 7 above, the Site is the subject of 14 previously approved applications, including three for same/similar uses of the current application, and there were two similar applications approved in the vicinity of the Site in the past five years. As there has been no major change in planning circumstances, approval of the current application is in line with the Committee's previous decisions.
- 12.11 Regarding the public comments as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department considers that the applied use could be tolerated for a further period of three 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 three years and be renewed from 13.11.2024 to 12.11.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of records of the existing drainage facilities on the site 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 13.2.2025;
- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (c) 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
- (e) if the above planning condition (b) 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 V**.

- 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 intentions of "G/IC" and "O" zones and area shown as 'Road', which are primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory; 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; and for road development respectively. There is no strong justification in the submission 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 permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 18.7.2024 and SI received on 24.7.2024
Appendix Ia	FI received on 19.8.2024
Appendix II	Relevant Extracts of TPB PG-No. 12C, 13G and 34D
Appendix III	Similar and Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**