

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

APPLICATION NO. A/TM-LTYT/449

- Applicant** : Turbo Ice Company Limited
- Site** : Lots 407 S.A (Part) & 407 RP (Part) in D.D.130 and Adjoining Government Land, Lam Tei, Tuen Mun, New Territories
- Site Area** : About 1,817m² (including about 91m² Government land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
- Zoning** : “Residential (Group A)” (“R(A)”)
[Restricted to a maximum plot ratio of 6.5 and a maximum building height of 160mPD]
- Application** : Renewal of Planning Approval for Temporary Edible Ice Manufacturing Plant for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary edible ice manufacturing plant for a period of three years (**Plan A-1a**). The proposed use is neither a Column 1 nor 2 use in the “R(A)” zone. According to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with a valid planning permission until 7.3.2023 under application No. A/TM-LTYT/394 (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Ng Lau Road via a local track and the ingress/egress is located at the western boundary of the Site (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, there are two structures, one for the temporary edible ice manufacturing plant (1-storey) (7m) and one for electricity transformer room (1-storey) (4.5m). The total floor area is 1,341 m². One loading/unloading (L/UL) space for light goods vehicle is located within an open L/UL area at the southwestern portion of the Site (**Drawing A-2**). Operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Sundays, including public holidays. Location plan and layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site is the subject of five previous applications No. A/TM-LTYT/229, 253,

275, 325 and 394 submitted by the same applicant for temporary edible ice manufacturing plant which were approved by the Rural and New Town Planning Committee (the Committee) between 2012 and 2020 (details at paragraph 6 below). There is no change to the site boundary and all development parameters comparing to the last previously approved application (No. A/TM-LTYT/394).

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

- (a) Application Form with attachments received on 13.1.2023 (Appendix I)
- (b) Further Information (FI) received on 31.1.2023* (Appendix Ia)
- (c) FI received on 6.2.2023* (Appendix Ib)
**accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ib**. They can be summarised as follows:

- (a) There is an existing single-storey ice manufacturing plant erected at the subject Site. In order to continue the existing ice manufacturing plant use, and apply for a food license for edible ice in order to fulfil the new licensing requirements under Food and Environmental Hygiene Department's administration, the applicant applies for renewal of permission for temporary edible ice manufacturing plant at the Site.
- (b) All the planning conditions under the approved application No. A/TM-LTYT/394 have been complied with. There is no change to the site boundary and all parameters comparing to the last previously approved application.
- (c) There is no adverse traffic impact on the surroundings and no complaint received from neighbourhoods during the past three years.

3. Compliance with the "Owner's Consent/Notification" Requirements

For the private land portion of the Site, 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 sending notice to the Tuen Mun Rural Committee by registered post and posting notice near the Site. Detailed information would be deposited at the meeting for Members' inspection. For GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

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) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

5.1 The Site forms part of a larger site which was rezoned from “R(E)” to “R(A)” on the draft LTYO OZP No. S/TM-LTYO/11 published in August 2021 to facilitate the planned public housing development at San Hing Road and Hong Po Road and its supporting infrastructural facilities which are scheduled for completion by phases by 2033. The draft OZP incorporated the proposed amendment was approved by Chief Executive in Council on 8.11.2022 and the approved OZP No. S/TM-LTYO/12 was exhibited on 18.11.2022.

5.2 The Site is not subject to planning enforcement action.

6. Previous Applications

6.1 The Site involves five previous applications (No. A/TM-LTYO/229, 253, 275, 325 and 394) submitted by the same applicant for the same applied use as the current application. Details of the previous applications are summarised at **Appendix III** and shown on **Plan A-1b**.

6.2 These applications were approved with conditions by the Committee for a period of three years on 24.2.2012, 8.2.2013, 7.3.2014, 3.2.2017 and 6.3.2020 respectively on the considerations that the development were not jeopardizing long-term planning intention of the previous “R(E)” zone, significant adverse environmental impact not envisaged, and no objection/ no adverse comments from government departments concerned. However, applications No. A/TM-LTYO/229 and 253 were revoked on 24.8.2012 and 8.8.2014 respectively due to non-compliance with approval conditions including drainage, fire service installations and landscape aspects. For the last three approved applications No. A/TM-LTYO/275, 325 and 394, all the approval conditions have been complied with. The planning permission of the last approved application No. A/TM-LTYO/394 was granted on 6.3.2020 and is valid until 7.3.2023. The Site was subsequently rezoned from “R(E)” to “R(A)” in August 2021 to facilitate the planned public housing development at San Hing Road and Hong Po Road and its supporting infrastructural facilities.

6.3 Compared with the last approved application (No. A/TM-LTYO/394), the current application is submitted by the same applicant for the same use at the same site with the same development parameters and layout.

7. Similar Application

There is no similar application within the previous “R(E)” zone and the same “R(A)” zone on the OZP.

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

8.1 The Site is:

- (a) paved and occupied by major part of a single-storey building for ice manufacturing plant and an electricity transformer room, which is currently used for the applied use with valid permission under application No. A/TM-LTTY/394; and
- (b) accessible from Ng Lau Road via a local track (**Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate east are residential dwellings. Further east are Ng Lau Road, the Mass Transit Railway (MTR) Light Rail and the MTR Tuen Ma Line;
- (b) to its immediate south are the remaining portion of the edible ice manufacturing plant not covered under this application and a piece of vacant land and Ng Lau Road;
- (c) to its west are vacant land and some residential dwellings;
- (d) to its northwest are some residential dwellings, cultivated agricultural land and vacant land intermixed with vehicle workshop which is suspected unauthorized development; and
- (e) to its immediate north is a warehouse. To the northeast are a vehicle repair workshop, a storage yard and residential dwellings and some graves.

9. Planning Intention

The planning intention of the “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. According to the Explanatory Statement of the OZP, the “R(A)” zone is intended for public housing developments.

10. Comments from Relevant Government Departments

All government 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** respectively.

11. Public Comment Received During the Statutory Publication Period

The application was published for public inspection on 20.1.2023. During the statutory public inspection periods, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary edible ice manufacturing plant for a period of three years at the Site zoned “R(A)” on the OZP. The applied use is not in line with the planning intention of “R(A)” zone. The Site has been rezoned to “R(A)” since August 2021 to facilitate the planned public housing development at San Hing Road and Hong Po Road and its supporting infrastructural facilities. Director of Housing and Chief Engineer of Housing Projects 2 Division, Civil Engineering and Development Department have no adverse comments on the application for renewal of the planning approval on a temporary basis for three years. Should the application be approved, it is suggest to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects. In this regard, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(A)” zone.
- 12.2 The Site is mainly surrounded by storage uses, vehicle workshops, scattered residential dwellings and some vacant land (**Plan A-2**). Whilst there are residential dwellings to the immediate east of the Site, Director of Environmental Protection has no objection to the application and there was no environmental complaint related to the Site received in the past three years. Adverse environmental impact is not envisaged.
- 12.3 There is no adverse comment from concerned governments, including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. Adverse traffic, fire safety and drainage impacts on the surrounding areas are not envisaged. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.4 Five previous approvals for the same temporary use at the Site have been granted by the Committee from 2012 to 2020. Approval of the application is in line with the Committee’s previous decisions.
- 12.5 The application generally complies with TPB PG-No. 34D in that there is no material change in planning circumstances, except that the Site has been rezoned from “R(E)” to “R(A)”, since the granting of the previous approval under application No. A/TM-LTTY/394; all approval conditions under this previous approval have been complied with; there is no adverse departmental comments in the renewal application; and the three-year approval period sought is the same as the previous approval and is considered reasonable.
- 12.6 There is no public comment received during the publication period.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary edible ice manufacturing plant 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

renewal shall be valid on a temporary basis for a period of three years, and be renewed from 8.3.2023 to 7.3.2026. 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 approval period;
- (b) the submission of a condition record of existing drainage facilities within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **8.6.2023**;
- (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 conditions (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 any of the above planning conditions (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.

[Approval conditions (a) and (b) are the same as that under the permission for application No. A/TM-LTYT/394 while the previous conditions on the submission and implementation of fire service installations are replaced by conditions (c) according to the latest comments from Director of Fire Services; the approval condition on maintenance of existing trees and landscape plantings on the Site is deleted based on the comments from Chief Town Planner/Urban Design and Landscape Section, Planning Department; restrictions on operation hours and vehicle types have been removed as per Planning Department's latest requirement.]

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 planning intention of the "R(A)" zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. The development is not in line with the planning intention. There is no strong planning justification in the submission for 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

Appendix I	Application Form with attachments received on 13.1.2023
Appendix Ia	FI received on 31.1.2023
Appendix Ib	FI received on 6.2.2023
Appendix II	Relevant Extracts of TPB PG-No.34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**