

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

APPLICATION NO. A/YL-NSW/338

<u>Applicant</u>	:	Team Harvest Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	:	Lot 1743 S.C RP in D.D. 107, Castle Peak Road, Sha Po, Yuen Long, New Territories
<u>Site Area</u>	:	About 39,000m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9
<u>Zoning</u>	:	“Open Storage” (“OS”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Container Storage Yard for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary container storage yard for a period of five years at the application site (the Site), which falls within an area zoned “OS” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “OS” zone, ‘Container Storage/Repair Yard’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-NSW/276 until 20.3.2025 (**Plans A-2 to A-4c**).
- 1.2 The Site is accessible from Castle Peak Road – Tam Mi via a local track (**Plans A-2 and A-3**), with an ingress/egress (40m in width) at the northeast corner of the Site (**Drawing A-1**). According to the applicant, the Site is sub-divided into four areas by internal fencing of which three are used as container storage yards and the area at the northeastern part of the Site is designated as internal vehicular access and waiting area for container vehicles (**Drawing A-1**). The container storage yard comprises 18 one to two-storey structures with building heights ranging from 1.5m to 6m and a total gross floor area (GFA) of about 3,500m² for ancillary site office, general storage uses, meter room, and water tank. The stacking height of the containers would not exceed five units. No parking and loading/unloading space is designated at the Site. The operation hours are between 7:00 a.m. and 11:00p.m. daily with no night operation. No dangerous goods will be stored and no repairing,

assembling, dismantling or workshop activities will be carried out at the Site. No vehicle will be queued back to or reverse onto/from public road at all times. The existing solid barrier wall along the western and north-western boundary of the Site, which is 3m in height, would be properly maintained. The existing boundary fencing along the Site, existing trees and the drainage facilities implemented within the Site will be properly maintained at all times. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is involved in seven previous applications for container storage yard (**Plan A-1b**) (details at paragraph 6 below). The last application No. A/YL-NSW/276 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.3.2020. All time-limited approval conditions have been complied with and the planning permission is valid until 20.3.2025. Compared with the last application, the current application submitted by the same applicant is for the same use at the same site with similar layout and minor changes in development parameters, i.e. increase in the number of structures from 11 to 18 and in GFA from 3,293.5m² to 3,500m² (+206.5m² or +6.26%).

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

- (a) Application Form with attachments received on 3.1.2025 (**Appendix I**) and 8.1.2025
- (b) Further Information (FI) received on 17.2.2025 and (**Appendix Ia**) 20.2.2025*

** 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 in the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The applied use is in line with the planning intention of the “OS” zone. Approvals had been granted to previous applications for the same use, and the applied use will not set an undesirable precedent.
- (b) The Site is considered in line with the Town Planning Board Guidelines No. 13G for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) as no objection or no adverse comments were received from government departments. There is no public complaint against the applied use since operation.
- (c) The applicant has submitted photo record of the drainage facilities at the Site. All time-limited approval conditions under the application No. A/YL-NSW/276 have been complied with. There will be no changes in the nature and the operation of the applied use. The existing vehicular access arrangement, landscape treatment, boundary fencing and barriers, and drainage facilities implemented would be properly maintained at all times. Sufficient space has been allowed within the Site for vehicle waiting and circulation. No adverse environmental, landscape, traffic and drainage impacts will be anticipated.

- (d) Although a section 12A application No. Y/YL-NSW/9 (the S12A Application) for a comprehensive residential development, a proposed school and a relocated soy sauce factory covering a larger site is being processed (**Plan A-1b**), the proposed development of the S12A application is unlikely to be implemented in the next five years. The applied use under the current application which is temporary in nature will not jeopardize the long-term development of the Site and the surrounding areas. The renewal of the planning permission granted could allow continuation of utilising the Site for the applied use in short term.

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. 31B) by notifying the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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), the TPB PG-No. 13G and 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 the application. The relevant extracts of the said Guidelines are attached at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in seven previous applications (No. A/DPA/YL-NSW/18, A/YL-NSW/2, 70, 158, 194, 234 and 276) for container storage yard. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Except application No. A/DPA/YL-NSW/18 which was rejected by the Committee in 1994, the remaining six applications (No. A/YL-NSW/2, 70, 158, 194, 234 and 276) were all partially approved/approved with conditions by the Committee or by the Board upon review between 1994 and 2020 on temporary basis mainly on the considerations that the proposed/applied use was generally in line with the planning intention of the Site; the proposed/applied use was generally in line with the TPB PG-No. 13G or its previous versions in that previous approvals for similar applied use had been granted; no adverse comments had been received from relevant government departments; there were

no changes in planning circumstances; and/or all approval conditions under previous applications had been complied with. Applications No. A/YL-NSW/2 and 158 originally sought approval on a permanent basis, but permanent approval was not given to both applications mainly on the reasons that the proposed use was not entirely compatible with the planning intention of “OS” zone as potential environmental and traffic problems were not fully addressed; there was no detailed assessment to justify the permanent development of the applied use on the site; and temporary approval was considered appropriate to monitor the environmental and traffic impacts generated by the operation.

- 6.3 Compared with the last approved application No. A/YL-NSW/276, the current application is submitted by the same applicant for the same use at the same site with similar layout and minor changes in development parameters as mentioned in paragraph 1.3 above. All time-limited approval conditions have been complied with and the planning permission is valid until 20.3.2025.
- 6.4 The S12A application (No. Y/YL-NSW/9) submitted by a different applicant to rezone a larger site covering the Site from “Industrial (Group D)”, “OS” and area shown as ‘Road’ to “Residential (Group E)” for a comprehensive residential development, a proposed school and a relocated soy sauce factory will be considered at the same meeting (**Plan A-1b**).

7. Similar Application

- 7.1 There is no similar application within the same “OS” zone on the OZP in the past five years.

8. The Site and Its Surrounding Areas (Plans A-1a, A-1b and A-3)

- 8.1 The Site is:

- (a) accessible to Castle Peak Road – Tam Mi via a local track;
- (b) located within the Wetland Buffer Area (WBA) of the Deep Bay Area; and
- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-NSW/276 until 20.3.2025.

- 8.2 The surrounding areas comprise predominately grassland, scattered residential structures, storage yard and a soy sauce factory and a temporary centralised quarter for imported labour in construction sector (with planning permission under application No. A/YL-NSW/319) to the north of the Site. To the west of the Site are wetlands at the bank of the old meander of Kam Tin River and the Kam Tin River.

9. Planning Intention

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises.

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 **Appendix IV** and **V** respectively.

11. Public Comment Received During Statutory Publication Period

On 10.1.2025, the application was published for public inspection. During the statutory publication period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary container storage yard for a period of five years at the Site zoned “OS” (**Plan A-1a**). The applied use is considered in line with the planning intention of the “OS” zone. While there is a long-term development proposal for a larger site covering the Site under the S12A Application, which will be considered at the same meeting, approval of the current application on a temporary basis for a period of five years would not jeopardize the long-term development potential of the Site even if the S12A Application is agreed by the Committee. As claimed by the applicant, the renewal of the planning permission granted could allow continuation of utilising the Site for the applied use in short term.

12.2 The applied use is considered not incompatible with the surrounding areas which comprise predominately grassland, scattered residential structures, storage yard, a soy sauce factory and a temporary centralised quarter for imported labour in construction sector (**Plan A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated and has no comment on the application from landscape planning perspective.

12.3 The site falls within Category 1 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable considerations will normally be given to application within these areas, subject to no major 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 should be submitted if the proposed uses, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant

environmental and traffic concerns.

- 12.4 The application is considered generally in line with TPB PG-No. 13G in that relevant government departments consulted, including the Commissioner for Transport, Director of the Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned department, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application to be approved, the applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 12.5 The Site falls within the WBA under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation perspective.
- 12.6 The application is also considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all approval conditions under the previous approval had been satisfactorily complied with; and the five-year approval period sought which is the same timeframe as the previous approval is reasonable.
- 12.7 Given the Committee/the Board have approved six previous applications for the same use at the Site between 1994 and 2020, approving of the current application is in line with the previous decisions of the Committee/the Board.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years and be renewed from 21.3.2025 to 20.3.2030. 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 21.6.2025;

- (c) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.9.2025;
- (d) in relation to (c) above, the implementation of the fire services installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.12.2025;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the renewal application.

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 supplementary information received on 3.1.2025
Appendix Ia	FI received on 17.2.2025 and 20.2.2025
Appendix II	Relevant extract of TPB PG-No. 12C, 13G and 34D
Appendix III	Previous applications
Appendix IV	Government departments' general comments

Appendix V	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4c	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2025**