

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

**APPLICATION NO. A/YL-NTM/437**

<b><u>Applicant</u></b>	: Cheung Shing Motor Transportation Company represented by Top Bright Consultants Ltd.
<b><u>Site</u></b>	: Lots 2790 (Part), 2798 RP (Part), 2799 (Part), 2800, 2801 and Adjoining Government Land in D.D. 102, Kwu Tung Road, Ngau Tam Mei, Yuen Long
<b><u>Site Area</u></b>	: About 2,571m <sup>2</sup> (including GL of about 457 m <sup>2</sup> (17.8%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
<b><u>Zoning</u></b>	: “Open Storage” (“OS”)
<b><u>Application</u></b>	: Temporary Container Vehicle Park with Ancillary Facilities (including Site Offices and Staff Rest Rooms) 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 container vehicle park with ancillary facilities (including site offices and staff rest rooms) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “OS” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. According to the Notes for the “OS” zone, ‘container vehicle park’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with planning permission under application No. A/YL-NTM/380 valid until 1.2.2022.
- 1.2 The Site is the subject of 3 previously approved applications (No. A/DPA/YL-NTM/26, A/YL-NTM/326 and A/YL-NTM/380) (**Plan A-1**). The last application (No. A/YL-NTM/380) submitted by the same applicant for the same use was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 1.2.2019 for a period of 3 years up to 1.2.2022. All approval conditions had been complied with.
- 1.3 The Site abuts on Kwu Tung Road with its ingress and egress located at the eastern and south-western boundaries of the Site respectively. The layout plan submitted

by the applicant is at **Drawing A-1**. The development parameters of the current application are similar to those under the previously approved application (No. A/YL-NTM/380) and are summarised as follows:

	<b>Major Development Parameters</b>	
	Previous application (A/YL-NTM/380)	Current application (A/YL-NTM/437)
Site Area	About 2,571 m <sup>2</sup> (GL of about 457 m <sup>2</sup> )	Same
No. of Structures (No. of Storey, Building Height)	9 <ul style="list-style-type: none"><li>4 site offices and/or staff rest room (1-2 storey, 2.4m to 4.8m);</li><li>3 container storage (1 storey, 2.4m); and</li><li>2 storage sheds (1 storey, 2.4m)</li></ul>	12 (+3 structures) <ul style="list-style-type: none"><li>6 site offices and/or staff rest room (1-2 storey, 2.4m to 6m);</li><li>3 container storage (1 storey, 2.4m); and</li><li>2 storage sheds (1 storey, 2.4m)</li><li>1 meter room (1 storey, 2m) (+2 site offices and/or staff rest rooms and 1 meter room)</li></ul>
Total Floor Area	About 390 m <sup>2</sup>	About 530 m <sup>2</sup> (+35.9%)
No. of Parking Space	7 container vehicle parking spaces and 4 staff/visitor car parking spaces	Same
Operation Hours	7:00 a.m. to 7:00 p.m., weekdays and Saturdays, closed on Sundays and public holidays	Same

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

- (a) Application Form received on 28.2.2022 **(Appendix I)**
- (b) Further Information (FI) received on 14.4.2022 **(Appendix Ia)**

## **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**. They can be summarized as follows:

- (a) The proposed development which is temporary in nature is in line with the planning intention of the “OS” zone. It is not incompatible with the surrounding land uses which are mainly storage yards, container vehicle/tractor parks and vehicle repair workshops.
- (b) In accordance with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of Town Planning Ordinance (TPB PG-No. 13F), the Site falls within “Category 1 Areas” which are considered tolerable for open storage and port pack-up uses.

- (c) The Site is a preferred location for parking of container vehicles as it is easily accessible to the Mainland via the Lok Ma Chau Control Point. The ancillary facilities, including site offices and staff rest rooms, provide the much needed service for the cross-boundary vehicles owned by the applicant.
- (d) The proposal would not have adverse drainage, traffic, visual, noise or environmental impacts on the surrounding areas.
- (e) The recent approvals of similar applications within the same “OS” zone indicate that the Site is suitable for the proposed use.

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

The applicant is not a “current land owner” of 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. 31A) by posting site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. The remaining part of the Site is GL, and the “owner’s consent/notification” requirements are not applicable.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F) promulgated by the Board on 27.3.2020 is relevant to the application. The Site falls within the Category 1 areas under the TPB PG-No. 13F. The relevant extract of the Guidelines is attached at **Appendix II**.

### **5. Background**

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

### **6. Previous Applications**

- 6.1 The Site is the subject of 3 previously approved planning applications (Nos. A/DPA/YL-NTM/26, A/YL-NTM/326 and A/YL-NTM/380).
- 6.2 Application No. A/DPA/YL-NTM/26 for open storage of plywood was approved with conditions by the Committee on 5.8.1994 when the site fell within an “Unspecified Use” area on the approved Ngau Tam Mei Development Permission Area (DPA) Plan No. DPA/YL-NTM/2.
- 6.3 Application No. A/YL-NTM/326 for the same applied use as the current application was approved with conditions by the Committee on 4.12.2015 for a period of 3 years mainly for the reasons that the development was not incompatible with the land uses of the surrounding areas, and was unlikely to

generate significant adverse traffic and environmental impacts on the area given the approval conditions requiring provision of mitigation measure. The permission was subsequently revoked on 4.5.2018 due to non-compliance with approval conditions related to the implementation of landscape proposal and drainage proposal, and the provision of FSIs.

- 6.4 The last application No. A/YL-NTM/380 for the same applied use submitted by the same applicant was approved with conditions by the Committee on 1.2.2019 for a period of 3 years mainly on the considerations that the applied use was generally in line with the planning intention of the “Open Storage” zone and TPB PG-No. 13E in that the site fell within Category 1 areas, was not incompatible with the land uses of the surrounding areas, and no environmental complaints concerning the Site was received in the past three years. All approval conditions had been complied with.
- 6.5 Details of the applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1**.

## **7. Similar Application**

- 7.1 During the past five years since 2017, there are 9 applications (No. A/YL-NTM/342, 343, 348, 358, 393, 402, 410, 412 and 416) for similar temporary uses involving container vehicles/lorries/tractors/trailers park, cargo handling, forwarding facility, vehicle repair workshop, open storage of construction materials and ancillary office uses within the same “OS” zone on Ngau Tam Mei OZP. All of the applications were approved with conditions by the Committee for reasons that the applied uses were generally in line with the planning intention of the “OS” use and TPB-PG-No. 13E; the developments at the sites were not incompatible with the surrounding uses; the approvals were in line with the Committee’s previous decisions; and relevant government departments generally had no adverse comments on/objecting to the application.
- 7.2 Details of the applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
  - (a) accessible via Kwu Tung Road at its eastern boundary;
  - (b) hard-paved and fenced; and
  - (c) currently used for parking of container vehicles/tractors with planning permission (No. A/YL-NTM/380) valid until 1.2.2022.
- 8.2 The surrounding areas are intermixed with vehicle parks, warehouses, workshops, open storage yards, scattered residential dwellings, grassland and a nullah:

- (a) to its north are public vehicle park (including container vehicle) with ancillary tyre and repairing under approved application No. A/YL-NTM/410, and some grassland;
- (b) to its east across Kwu Tung Road are some grassland and nullah;
- (c) to its immediate south are office use and parking of vehicles;
- (d) to its southeast across Kwu Tung Road are grassland and warehouse;
- (e) to its southwest are open storage yards of recycling materials, trucks and trailers, shop and service use for sale of goods vehicles under approved application No. A/YL-NTM/413, warehouse and some unused land. Further southwest are some residential dwellings (the nearest being about 20m away); and
- (f) to its west are open storage of recycling materials and construction materials.

## **9. Planning Intention**

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

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

10.1 Apart from the government department 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 IV and V** respectively.

10.2 The following government department has specific comments on the application:

### **Environment**

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

- (a) in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP), she does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwelling is located at about 20m southwest of the Site) and the use of heavy vehicles is expected.
- (b) there was no environmental complaint received at the Site in the past three year.

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

On 18.3.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 8.4.2022, one objecting public comment was received (**Appendix VI**) raising concerns regarding the potential adverse traffic and environmental impacts and fire risks brought by the erection of vehicle park in the rural areas, hence, the deterioration of the living quality of the residents nearby.

## **12. Planning Considerations and Assessment**

- 12.1 The application is for temporary container vehicle park with ancillary facilities (including site offices and staff rest rooms) for a period of 3 years. The proposed use is generally in line with the planning intention of the “OS” zone which is intended primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. The proposed use is considered not incompatible with the surrounding land uses which are mostly open storage yards, container vehicle parks, warehouses, offices and some unused land (**Plan A-2**).
- 12.2 The Site falls within Category 1 areas under the TPB PG-No. 13F where favourable considerations will normally be given to the application. The development is in line with the TPB PG-No. 13F in that there was a previous approval for the same applied use and all planning conditions had been complied with. While DEP does not support the application as there are sensitive receivers in the vicinity of the Site and the use of heavy vehicles is expected, no environmental complaint related to the Site was received by DEP in the past 3 years. Other government departments including C for T, CE/MN of DSD and CTP/UD&L of PlanD have no adverse comments on the traffic, drainage and landscape aspects. The technical requirements from C for T, CE/MN of DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraphs 13.2 below should the Board decide to approve the application.
- 12.3 The Site is subject of a previously approved application (No. A/YL-NTM/380) for the same applied use at the Site. The Committee has also approved 9 similar applications for temporary container vehicle park and related uses within the same “OS” zone based on similar considerations in the past 5 years. Approval of the subject application is in line with the previous decisions of the Committee.
- 12.4 One public comment was received during the statutory publication period objecting to the application as stated in paragraph 11 above. In this regards, relevant departments’ comments as well as the planning assessments and considerations stated above are relevant.

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

- 13.1 Based on the assessments in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department 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 3 years until 22.4.2025. 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 7:00 a.m. on Mondays to Saturdays, 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 vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (d) no cutting, dismantling, cleaning, repairing, compacting and workshop activity, including container repair and vehicle repair, is allowed on the Site during the planning approval period;
- (e) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.7.2022;
- (g) 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 22.10.2022;
- (h) in relation to (g) 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 22.1.2023;
- (i) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (j) if the above planning condition (f), (g) or (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.

### 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 development is not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses No. TPB PG-No.13F, in that there are adverse comments from concerned Government departments and the applicant has failed to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas.

## **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 received on 28.2.2022
<b>Appendix Ia</b>	FI received on 14.4.2022
<b>Appendix II</b>	Relevant Extracts of TPB PG-No.13F
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan



<b>Plan A-3</b>	Aerial photo
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<b>Plans A-4a to A-4b</b>	Site photos
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**PLANNING DEPARTMENT  
APRIL 2022**