

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/448

- Applicant** : Choi Lee Parking Limited represented by Top Bright Consultants Limited
- Site** : Lot 647 RP (Part) in D.D. 99, Lots 2970 RP (Part), 2971 RP, 2972 (Part), 2975 (Part), 2976, 2977, 2978 RP, 2979, 2980, 2981 RP, 2982 RP, 2983 RP, 2986 RP, 2987 RP (Part), 2988 RP in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
- Site Area** : About 7,480 m² (including about 656 m² of Government Land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12
- Zoning** : “Open Storage” (“OS”)
- Application** : Temporary Warehouse (Excluding Dangerous Goods Godown), Goods Vehicle Park (Not Exceeding 24 Tonnes) and Container Carrying Cargo Weighing Station with Ancillary Site Office and Staff Canteen for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown), goods vehicle park (not exceeding 24 tonnes) and container carrying cargo weighing station with ancillary site office and staff canteen for a period of 3 years at the application site (the Site) (**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, ‘warehouse (excluding dangerous goods godown)’ is a Column 1 use which is always permitted. For goods vehicle park (not exceeding 24 tonnes) and container carrying cargo weighing station with ancillary site office and staff canteen uses, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without valid planning permission.

- 1.2 The Site is the subject of 11 previous applications. Details are in paragraph 6. The last application No. A/YL-NTM/393 submitted by the same applicant for the same use (**Plan A-1b**) was approved with conditions by the Committee on 1.11.2019 for a period of 3 years. The application was revoked on 2.6.2022 due to the non-compliance with approval condition. The major development parameters of the current application and the previously approved application are summarised as follows:

	Application No. A/YL-NTM/393 (Previous Application)	Application No. A/YL-NTM/448 (Current Application)	Difference
Site Area	About 7,511 m ²	About 7,480 m ²	-31 m ²
Proposed structures	7 (including 1 warehouse, 1 shelter for container carrying cargo weighing station, 1 container for storage, 2 site offices (one of them with staff canteen and private car parking spaces) and 2 open-sided shelters for storage (one of them with toilet) ranging from 1 to 2 storeys of a maximum height of 15m)	12 (including 1 warehouse, 1 shelter for container carrying cargo weighing station, 1 container for storage, 2 sites office with staff canteen, staff rest room, washroom and private car parking spaces, 1 open-sided shelter for storage, 1 washroom, 1 F.S pump room, 2 meter rooms and 2 rain shelters ranging from 1 to 3 storeys of a maximum height of 15m)	+ 5 Add <ul style="list-style-type: none"> • 2 rain shelters (1 storey, 4m and 6m respectively) • 2 meter rooms (1 storey, 3m) • 1 washroom (1 storey, 3m) • 1 F.S pump room (1 storey, 4m) Remove <ul style="list-style-type: none"> • 1 open-sided shelter for storage with toilet (1 storey, 6m)
Total Floor Area	About 4,295 m ²	About 4,399 m ²	+ 104 m ²
No. of Parking Spaces	17 <ul style="list-style-type: none"> • 6 private car parking spaces • 4 light goods vehicle (LGV) parking spaces • 7 medium goods vehicle (MGV) parking spaces 	17 <ul style="list-style-type: none"> • 6 private car parking spaces • 4 light goods vehicle (LGV) parking spaces • 7 medium goods vehicle (MGV) parking spaces 	----- -----
No. of loading/un loading spaces	3 for MGVs	3 for MGVs	-----

- 1.3 The Site is accessible to Kwu Tung Road with its ingress and egress located at the north-western boundary of the Site. The layout plan is at **Drawing A-1**. The operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturday and from 10:00 a.m. to 5:00 p.m. on Sundays and public holidays. In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 19.9.2022 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 3.11.2022 (Appendix Ib)
responding departmental comments[#]

[#] *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 Statement at **Appendix Ia**. They are summarised as follows:

- (a) The proposed use is in line with the planning intention of the “OS” zone and it is not incompatible with the surrounding land uses which are mainly warehouses, logistic centres and container vehicle parks. Although the Site falls within San Tin Lok Ma Chau Development Node (STLMC DN) area, the proposed use is temporary in nature and the applicant commits to relocate their business when the land resumption process commences.
- (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 back-up uses.
- (c) The Site is preferred location for storage use due to its close proximity to the Lok Ma Chau boundary crossing. The storage, parking and supporting facilities on the Site could provide the much needed service for cross-boundary trade.
- (d) The proposal would not have adverse drainage, traffic, visual and noise impacts on the surrounding areas. As periphery drainage channels would be provided, no adverse drainage impacts are anticipated. No additional traffic impact would be generated as a trip generation of not more than 15 per hour for goods and container vehicles is anticipated. There is an existing 2.5m high corrugated metal fencing and planting of periphery trees, which could minimize the visual impact and noise nuisance.
- (e) The approvals of similar applications within the same “OS” zone between 2018 and 2022 indicate that the Site is suitable for the proposed use. The Board has previously approved 10 applications for similar uses on the Site.

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 notices in a prominent position on the application site and sent notices to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the portion of Government Land, the “Owner’s Consent/Notification” Requirements is not applicable.

4. Town Planning Board Guidelines

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. 13F) promulgated by the Board on 27.3.2022 is relevant to this application. The Site falls within Category 1 areas under the TPB PG-No. 13F. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Applications

6.1 The Site is the subject of 11 previous applications, of which one (No. A/YL-NTM/14) was rejected while 10 (Nos. A/YL-NTM/23, 56, 93, 159, 208, 247, 260, 298, 342 and 393) were approved. Application Nos. A/YL-NTM/14, 23, 56 and 93 covering larger sites were submitted by a different applicant while application Nos. A/YL-NTM/159, 208, 247, 260, 298, 342 and 393 on similar sites were submitted by the current applicant for similar uses.

6.2 Application No. A/YL-NTM/14 for temporary lorry park for a period of 12 months was rejected by the Committee on 14.1.1997 when the Site then fell within “Green Belt” and “OS” zones on the approved Ngau Tam Mei OZP No. S/YL-NTM/1. Application Nos. A/YL-NTM/23 and 56 both for temporary lorry parks were approved with conditions by the Committee for periods of 12 months on 8.8.1997 and 12.3.1999 respectively on the consideration that the West Rail project had then become more certain and sympathetic consideration was given to the area for port back-up or open storages uses. The Site was rezoned to “OS” on Ngau Tam Mei OZP No. S/YL-NTM/4 on 29.9.2000.

6.3 Subsequently, another 7 approved applications (Nos. A/YL-NTM/93, 159, 208, 247, 260, 298 and 342) for the same temporary lorry and container tractor/ trailer parks with ancillary workshops and/or staff canteen were approved with conditions by the Committee or the Board on review (for application No. A/YL-NTM/208) for periods of 3 years between 2000 and 2017 for the reasons that the proposed use were not incompatible with the surrounding uses, in line with the planning intention of “OS” zone and TPB PG-No. 13C/13D/13E.

6.4 The last application No. A/YL-NTM/393 for the same applied use as the current

application by the same applicant was approved with conditions on 1.11.2019 by the Committee and was then revoked in 2022 due to the non-compliance of condition on the implementation of the fire service installations proposal.

- 6.5 Details of these applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

There are 5 similar applications (No. A/YL-NTM/348, A/YL-NTM/358, A/YL-NTM/380, A/YL-NTM/410 and A/YL-NTM/416) involving 3 sites for temporary vehicle/ container vehicle parks, open storage, workshop and site office within the same “OS” zone on the OZP in the past five years. All of them were approved with conditions by the Committee mainly on the considerations that the proposed uses are in line with the planning intention of “OS” zone and the TPB Guidelines No. 13E for open storage and port back-up uses. Details of these applications are summarized at **Appendix IV**. Their locations are shown on **Plan A-1a**.

8. The Site and Its Surrounding Areas (Plans A-1a, A-1b and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

8.1 The Site is:

- (a) accessible to Kwu Tung Road via a local access; and
- (b) hard-paved and currently used for the applied use without valid planning permission.

8.2 The surrounding land uses are intermixed with warehouses, vehicle parks. :

- (a) to the immediate north is residential structure and vacant land;
- (b) to the immediate east are vehicle parks, vehicle repair workshops, warehouse, residential dwelling (the nearest is about 35m at its east) with ponds, warehouses and vacant land;
- (c) to the southeast is a warehouse; and
- (d) to its west and northwest are Kwu Tung Road, a nullah and an elevated road connecting to San Tin Interchange at its further northwest.

9. Planning Intention

The planning intention of the “OS” zone is intended for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. 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 V and VI** respectively.

10.2 The following government department has concerns on the application.

Environment

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

- (a) He does not support the application as there are sensitive receivers in the vicinity of the Site (residential dwellings are located at about 12m to the north and 35m to the east of the Site) and environmental nuisance is expected. The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.
- (b) No environmental complaint pertaining to the Site has been received over the past 3 years.

11. Public Comments Received During Statutory Publication Period

On 27.9.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.10.2022, a total of 2 public comments were received from 2 individuals objecting to or raising concerns on the application on grounds that the proposed temporary use will affect the daily life of villagers and ecological environment, as well as operation standard of the previous approved applications (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for temporary warehouse (excluding dangerous goods godown), good vehicle park (not exceeding 24 tonnes) and container carrying cargo weighing station with ancillary site office and staff canteen for a period of 3 years. The applied 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 applied use is considered not incompatible with the surrounding land uses which are mostly warehouses, workshop and vehicle parking (**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 proposed use is in line with the TPB PG-No. 13F in that concerned departments

including C for T, DAFC, CE/MN of DSD, D of FS and CTP/UD&L of PlanD have no objection to or no comment on the application on traffic, ecological, drainage, fire safety and landscape aspect respectively. The technical requirements from 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 DEP does not support the application as there are sensitive receivers in vicinity of the Site (the nearest residential dwelling is located about 12m north of the Site) (**Plan A-2**), and environmental nuisance is expected. Nevertheless, there was no environmental complaint against the Site in the past 3 years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting operation hours and traffic arrangement have been recommended in paragraphs 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses'.
- 12.4 The Site is the subject of 10 approved applications for similar uses at the Site. Since 2017, the Committee has approved 5 similar applications involving vehicle/container vehicle parks, open storage and site office within the same "OS" zone based on similar considerations. Approval of the subject application is in line with the previous decisions of the Committee.
- 12.5 Regarding the 2 public comments received raising objection/concerns on the application as detailed in paragraph 11 above, the planning considerations and assessments and departmental comments 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 comments 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 three years until 11.11.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sundays and public

holidays, as proposed by the applicant, is allowed on Site during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.5.2023;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installation 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 11.5.2023;
- (g) the implementation of the fire service installations proposal 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 11.8.2023;
- (h) if any of the above planning condition (a), (b), (c) 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
- (i) if any of the above planning condition (d), (f) or (g) 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 VI**.

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

The development is not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses TPB PG – No. 13F in that there are adverse comments from concerned Government department 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

Appendix I	Application Form received on 19.9.2022 with attachments
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 3.11.2022
Appendix II	Extract of TPB PG-No. 13F
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Appendix VII	Public Comments
Drawing A-1	Proposed Layout Plan
Plans A-1a and A-1b	Location Plans with similar and previous applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2022**