

RNTPC Paper No. A/YL-NTM/453
For Consideration by the
Rural and New Town
Planning Committee
on 13.1.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/453

<u>Applicant</u>	: Tsui Yat Wah represented by Ever United Planning and Development Limited
<u>Site</u>	: Lots 2385 (Part) and 2400 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 1,620 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
<u>Zoning</u>	: “Open Storage” (“OS”)
<u>Application</u>	: Proposed Temporary Wholesale Trade (Electronic Goods) and Storage with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary wholesale trade (electronic goods) and storage with ancillary office for a period of 3 years (**Plan A-1**). According to the Notes of “OS” zone of the OZP, ‘Wholesale Trade’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and partly covered with vegetations (**Plans A-2 , A-4a and A-4b**).
- 1.2 According to the layout plan (**Drawing A-1**) and information submitted by the applicant, a 8m-wide ingress/egress is located at the northern side of the Site, which is accessible from Kwu Tung Road via a local access. Three 1-storey structures (not exceeding 12m in height) with a total gross floor area of about 755.5m² for wholesale trade (electronic goods), storage, ancillary office and toilet uses are proposed at the Site. One private car parking space and two light goods vehicle loading/unloading spaces will be provided. The operation hours

will be from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays.

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

(a) Application form with attachments received on 23.11.2022 (**Appendix I**)

(b) Further Information (FI) received on 5.1.2023[#] (**Appendix Ia**)

[#] *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 application form at **Appendix I**. They can be summarised as follows:

- (a) The proposed development is temporary in nature and would not jeopardize the long-term planning intention of “OS” zone.
- (b) The adjacent area is mainly occupied by open storage yards, port back-up uses and temporary warehouses for storage purposes. The proposed development is not incompatible with the surrounding area.
- (c) The proposed development will have fully enclosed structures for wholesale trade and storage with ancillary office use with site fencing. The materials being wholesaled and stored are electronic goods. No dangerous goods will be stored and no workshop and industrial activities is allowed on the Site. No adverse impact to the surrounding area is anticipated.
- (d) No repairing, dismantling, assembling or other workshop activity is proposed. The applicant is willing to provide environmental mitigation measures to minimise environmental impacts. The proposed development would not generate significant environmental, traffic, visual and drainage impact to the surrounding environment.

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 the notice to relevant owners’ corporation(s)/ owners’ committee(s)/ mutual aid committee(s)/ management office(s) or rural committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Applications**

- 5.1 The Site (in whole or in part) is the subject of five previous applications (Nos. A/YL-NTM/94, 245, 305, 316 and 349) approved by the Committee between 2000 and 2018. All applications involves filling of pond for permitted open storage/agriculture uses and were approved by the Committee mainly on the consideration that relevant government departments had no objection to/adverse comment on drainage, nature conservation, traffic, environmental and landscape planning perspectives, and open storage/agriculture uses were always permitted within the “OS” zone on the OZP.
- 5.2 Details of these applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1b**.

6. **Similar Application**

- 6.1 During the past five years, there is one similar application for temporary wholesale trade within the same “OS” zone on the OZP (**Plan A-1a**).
- 6.2 Application No. A/YL-NTM/398 for temporary wholesale trade (eggs) and storage with ancillary office were approved by the Committee in 2020 mainly on the considerations that the applied use was considered not in conflict with the planning intention of “OS” zone and was not incompatible with the surrounding area; and relevant government departments had no objection to/adverse comment on the application. Details of the application is summarised at **Appendix II**. Its location is shown on **Plan A-1a**.

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

- 7.1 The Site is:
 - (a) located within Luk Mei Tsuen;
 - (b) paved and currently partly vacant and partly covered with vegetation; and
 - (c) accessible from Kwu Tung Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are canteen, residential dwellings, warehouses, open storage yard and grassland;
- (b) to its east are lorry park and warehouse; to its further east across a nullah are open storage yard for vehicles and vehicles repair workshop;
- (c) to its immediate south is open storage yard for construction equipment, tiles and metals; to its further south is car body assembly workshop; and
- (d) to its west are logistic centre, warehouse, storages and residential dwellings.

8. **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 uses. It provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises.

9. **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 III and IV** respectively.

10. **Public Comment Received During Statutory Publication Period**

On 2.12.2022, the application was published for public comment. During the first three weeks of the statutory public inspection period, one public comment was received (**Appendix V**) from an individual objecting to the application on the grounds that the proposed use could cause adverse traffic impact, environmental pollution and increase risk of fire thereby affecting the safety and living quality of the local residents.

11. **Planning Considerations and Assessments**

11.1 The application is for proposed temporary wholesale trade (electronic goods) and storage with ancillary office for a period of three years at the Site within “OS” zone of the OZP. The planning intention of the “OS” zone is primarily intended for 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. In this regard, the proposed use is considered not in conflict with the planning intention of the “OS” zone.

- 11.2 The Site is accessible via a local access connecting Kwu Tung Road and amid a large “OS” zone with uses of lorry park, warehouses/storages, open storages and scattered residential dwellings in its surroundings. The proposed development is not incompatible with the uses in the surrounding areas.
- 11.3 The proposed use would unlikely cause significant adverse impacts on the area. There are no adverse comments from the concerned Government departments, including Director of Environmental Protection (DEP), Commissioner for Transport, Chief Town Planner/Urban Design and Landscape, Planning Department, Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) on environmental, traffic, landscape, drainage and fire safety aspects. Should the application be approved, technical requirement of CE/MN of DSD and D of FS can be addressed by imposing approval conditions recommended in paragraph 12.2 below. The applicant will also be advised to follow the relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise any potential environmental impacts.
- 11.4 As detailed in paragraph 6, the Committee has approved one similar application for temporary wholesale trade use within the same “OS” zone in the past five years. Approval of the current application is in line with the previous decision of the Committee.
- 11.5 Regarding the public comment received during the statutory public inspection period of the application as detailed in paragraph 10, the planning assessment and departmental comments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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 13.1.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no storage of dangerous goods, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) only private cars and light goods vehicles, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) the submission of a revised drainage proposal 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 13.7.2023;
- (e) the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.10.2023;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 13.7.2023;
- (h) 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 13.10.2023;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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 any of the above planning condition (d), (e), (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 IV**.

12.3 There is no strong reason to recommend rejection of the application

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning permission.
- 13.2 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.
- 13.3 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.

14 . Attachments

Appendix I	Application form received on 23.11.2022
Appendix Ia	FI received on 5.1.2023
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	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
Plan A-4	Site photos

**PLANNING DEPARTMENT
JANUARY 2023**