

RNTPC Paper No. A/YL-NTM/467  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 24.11.2023

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

**APPLICATION NO. A/YL-NTM/467**

- Applicant** : Clever Field Development Limited represented by Lanbase Surveyors Limited
- Site** : Lots 2781 RP, 2782 RP, 2783 RP, 2785 RP, 2786 RP, 2787 RP, 2788 RP, 2789, 2791, 2792, 2793 S.A, 2793 S.B, 2794, 2795, 2962 RP and 2963 RP in D.D. 102 and adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 5,000m<sup>2</sup> (including 300m<sup>2</sup> (about 6%) of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Open Storage” (“OS”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission for temporary public vehicle park (including container vehicles) and ancillary tyre and repairing use for a period of 3 years at the application site (the Site) which falls within an area zoned “OS” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12 (**Plan A-1a**). According to the Notes of the OZP for the “OS” zone, ‘Container Vehicle Park/Container Vehicle Repair Yard’ 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 valid planning permission under application No. A/YL-NTM/410 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is the subject of nine previous applications, of which eight of them are submitted by the same applicant. The last application (No. A/YL-NTM/410) for the same applied use with the same layout and submitted by the same applicant, was approved with conditions by the Rural and New Town Planning Committee (the

Committee) of the Board on 4.12.2020 for a period of 3 years until 8.12.2023. All the approval conditions have been complied with.

1.3 The current application is the same as the last approved application in terms of applied use, site area, total floor area, number of structures, number of parking spaces and opening hours. According to the applicant (**Drawing A-1**), a total of three structures of 1 to 2 storeys (not more than 8m) with a total floor area of about 274.28m<sup>2</sup> are erected for ancillary vehicle repair and tyre workshops and a site office. The Site accommodates 25 parking spaces for container vehicles (16m x 3.5m), two parking spaces for light goods vehicles (LGV) (7 x 3.5m) and three parking spaces for private cars (5 x 2.5m), two ancillary vehicle repairing workshops with building height at 1-storey and 2-storey, and a 2-storey site office. The operation hours are between 7:00 a.m. and 11:00 p.m. from Mondays to Saturdays and 10:00 am to 5:00 pm on Sundays and public holidays. The ingress/egress to the Site is located at the eastern boundary abutting Kwu Tung Road (**Plan A-2**).

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

- (a) Application form with attachments received on 6.10.2023 (**Appendix I**)
- (b) Further Information (FI) received on 2.11.2023 <sup>#</sup> (**Appendix Ia**)

<sup>#</sup> *exempted from publication requirement*

## **2. Justifications from the Applicant**

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

- (a) The Site was granted planning permissions for the same use of ‘temporary public vehicle park (including container vehicle) and ancillary tyre and repairing use’ under eight previous planning applications submitted by the same applicant. Without major change in planning circumstances, it is considered that the Site shall be allowed for the applied use.
- (b) All the approval conditions imposed on the previous application No. A/YL-NTM/410 have been satisfactorily complied with. The applicant had demonstrated genuine efforts to comply with the approval conditions of previous planning application, and favourable consideration should be given to the application.
- (c) There are planning permissions for similar temporary vehicles parks and other port back-up uses in the surrounding “OS” sites in the past two years. Given that similar planning applications were approved in the surrounding “OS” sites, the applied use should be allowed. Besides, the applied use is compatible with the surrounding public vehicle parks and port back-up uses.

- (d) The Site is designated as Category 1 areas under 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. 13G) and favourable consideration would normally be given to Category 1 areas. The proposed application should be approved if there are no major adverse departmental comments and local objections.
- (e) The Site has been operated for the applied use for many years and the proposed application generally reflects the existing site conditions for providing both private car and container vehicle parking spaces. No additional traffic, drainage and environmental impacts are anticipated. The applicant has also removed any unauthorised building works (UBW) on the Site and is willing to carry out further removal works if necessary.

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

The applicant is not a “current land owner” of the private land portion 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. For the GL portion of the Site, the “Owner’s Consent/Notification” requirements are not applicable.

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

TPB PG-No. 13G and ‘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 Site falls within Category 1 areas under the TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

- 5.1 The Northern Metropolis (NM) Development Strategy released in 2021 put forward the proposal for San Tin Technopole. According to the Recommended Outline Development Plan for the San Tin Technopole (**Plan A-1b**) which was published for public engagement exercise in June 2023, the Site is included in the boundary of the San Tin Technopole designated for ‘Government, Institution or Community’ and ‘Open Space’. According to the estimated programme, site formation works would tentatively target to commence in Q4 2024.
- 5.2 The Site is currently not subject to active planning enforcement action.

## 6. **Previous Applications**

- 6.1 The Site (in part or in whole) is the subject of 9 previous planning applications for temporary vehicle parks with or without repair activities, all were approved with conditions by the Committee between 1993 and 2020. Details of these applications are summarized at **Appendix III**, and their locations are shown on **Plan A-1a**.
- 6.2 Application No. DPA/YL-NTM/10 for temporary container vehicle park was approved by the Committee for a period of 3 years in 1993 on considerations that it was generally in line with the long term planning intention and the proposed use was compatible with the nearby open storage uses.
- 6.3 Applications No. A/YL-NTM/11, 121, 185, 229, 266, 307, 348 and 410 submitted by the current applicant, for similar applied uses of temporary container trailer/tractor park/public vehicle park (including container vehicles) with or without ancillary tyre and repairing use were approved with conditions by the Committee between 1996 and 2020 for a period of 3 years (5 years for No. A/YL-NTM/11) on considerations that they were generally in line with the planning intention and the TPB Guidelines for Application for Open Storage and Port Back-up Uses; the applied use was compatible with the land uses of the surrounding areas; there was generally no adverse departmental comment; and departmental comments could be addressed by imposing approval conditions. For the last application No. A/YL-NTM/410, all the approval conditions have been complied with.

## 7. **Similar Applications**

During the past five years, there are 8 similar applications for temporary port back-up uses, including cargo handling and forwarding facility, container vehicle and lorry park, container storage and repairing workshops within the same “OS” zone on the OZP (**Plan A-1a**). All the applications were approved by the Committee between 2018 and 2023 mainly on similar considerations as stated in paragraph 6.3. Details of these applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
  - (a) accessible from Kwu Tung Road; and
  - (b) currently used for applied use with valid planning permission.
- 8.2 The surrounding areas have the following characteristics:
  - (a) to its north and west is a slip road and the San Tin Highway;

- (b) to its east and north-east across Kwu Tung Road is a nullah; and
- (c) to its immediate south are a temporary container vehicle park with ancillary facilities (under approved Application No. A/YL-NTM/437), a warehouse and an open storage yard for construction materials; to its further south are scattered residential dwellings (nearest is about 30m away) mixed with storage/warehouse/open storage uses and vehicle repair workshop.

## 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 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 IV and V** respectively.
- 10.2 The following government departments have concerns/views on the application:

### **Land Administration**

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
  - (a) He has adverse comments on the application.
  - (b) He has grave concerns given that there are UBWs and/or uses on Lot Nos. 2788 RP in D.D. 102 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demand by LandsD.
  - (c) The Site comprises Old Schedule Agricultural Lots and GL. The Old Schedule Agricultural Lots are held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
  - (d) The private land of Lot Nos. 2794 and 2963 RP in D.D. 102 are covered by Short Term Waiver (STW) No. 2796 to permit structures for the purpose of “Ancillary use to container trailer/tractor park with

ancillary vehicle repair workshop”.

- (e) No permission is given for the occupation of the GL in the Site (about 300m<sup>2</sup> subject to verification). The act of occupation of the above GL without Government’s prior approval is not allowed.
- (f) Should the application be approved, the STW holder(s) will need to immediately apply to his office for modification of the STW conditions where appropriate. The owner(s) of lots without STW will need to immediately apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the applied uses are temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.
- (g) Advisory comments as detailed in **Appendix V**.

### **Environment**

#### 10.2.2 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 (the closest residential dwelling being about 30m to its south) 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.
- (c) Advisory comments as detailed in **Appendix V**.

### **Project Interface**

#### 10.2.3 Comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

The Site is within the proposed boundary of San Tin Technopole. According to the latest tentative development programme of San Tin Technopole, it is

targeted to commence the works in phases tentatively by 2024 after the Finance Committee funding approval. Therefore, the Site, within the boundary of San Tin Technopole, may probably be required for timely clearance and construction.

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

On 13.10.2023, the application was published for public inspect. During the first three weeks of the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning permission for a temporary public vehicle park (including container vehicles) and ancillary tyre and repairing use for three years at the Site zoned “OS” on the OZP. 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 regularize the already haphazard proliferation of open storage uses. The applied use is considered compatible with the surrounding land uses which are mostly storages/open storages, container vehicle park and vehicle repair workshop. Nevertheless, PM(N), CEDD advises that the Site falls within the boundary of San Tin Technopole and will be required for timely clearance and construction for relevant works tentatively by 2024. Should the application be approved by the Board, relevant advisory clause will be recommended to remind the applicant that the Site may be resumed by the Government and that the proposed uses may be terminated at any time during the planning approval period for implementation of imminent government projects.
- 12.2 The Site falls within Category 1 area under the TPB PG-No. 13G where favourable considerations will normally be given to the application. The development is in line with the TPB PG-No. 13G in that there is generally no adverse comment from the concerned Government departments including Commissioner for Transport, Chief Town Planner/Urban Design and Landscape, Planning Department, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) on traffic, landscape, drainage and fire safety aspects. Nevertheless, DLO/YL, LandsD has concerns on the application in view of the UBW at the Site. In this regard, the applicant has removed the relevant UBW at the Site and is willing to carry out further removal works if necessary. Relevant advisory clause on the need for application to LandsD for regularisation of the UBWs is also recommended should the application be approved by the Committee. Besides, the application is not supported by the DEP as the nearest residential dwelling is at about 30m to the south of the Site (**Plan A-2**). However, there was no environmental complaint against the Site in the past three years. Should the application be approved, technical requirements of CE/MN, DSD and D of FS can be addressed by imposing approval conditions recommended in paragraph 13.2 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.

- 12.3 The renewal application is in line with TPB PG-No.34D in that there has been no major change in planning circumstances, adverse planning implications arising from the renewal of the planning approval are not envisaged, all the approval conditions under the previous approval had been complied with, and the three-year approval period sought is the same as the previous application.
- 12.4 The Site is the subject of 9 previous approvals for similar/same uses. Besides, the Committee has approved 8 similar applications for temporary port back-up uses, including container vehicle and lorry park, container vehicle repairing workshops, within the same “OS” zone in the past five years. Approval of the current application is in line with the previous decisions of the Committee.

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

- 13.1 Based on the assessments made in paragraph 12, 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, and be renewed from 9.12.2023 to 8.12.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (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 condition (a), (b) 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.

#### 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 revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G) in that there is adverse comment from concerned government department and no technical assessment has been submitted to demonstrate that the development would not have adverse environmental impact on the surrounding sensitive receivers.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning 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.

#### **14. Attachments**

<b>Appendix I</b>	Application form received on 6.10.2023
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 2.11.2023
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13G and 34D
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1a</b>	Location plan with previous and similar applications
<b>Plan A-1b</b>	Application site and land use proposal of San Tin Technopole
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a to 4b</b>	Site photos