

RNTPC Paper No. A/YL-NTM/478  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 4.10.2024

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NTM/478**

- Applicant** : Southern Sea Investment Limited represented by R-riches Property Consultants Limited
- Site** : Lots 2543 RP (Part), 2544 RP, 2545 (Part), 2546 (Part), 2547 (Part), 2548 (Part) and 2549 RP in D.D. 104, Ngau Tam Mei, Yuen Long
- Site Area** : 4,929m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/14  
(*currently in force*)
- Draft Ngau Tam Mei OZP No. S/YL-NTM/13  
(*at the time of submission*)
- [the zoning and development restrictions of the application site remain unchanged on OZP No. S/YL-NTM/14]
- Zoning** : “Residential (Group D)” (“R(D)”)
- Application** : Proposed Temporary Open Storage of Construction Material and Machinery with Ancillary Facilities for a Period of 3 Years and Associated Filling of Pond

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction material and machinery with ancillary facilities for a period of three years and associated filling of pond at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of pond within the “R(D)” zone also requires planning permission from the Board. The Site is currently fenced-off, largely paved and vacant (**Plans A-3 and A-4a to 4b**).

- 1.2 The Site is accessible from its west via a local access road directly connecting to San Tam Road (**Plan A-2**). According to the applicant, the proposed use involves two single-storey structures (about 4.5m in height) with a total gross floor area (GFA) of about 432m<sup>2</sup> for storage of construction material and machinery, ancillary site office and washroom, and two open storage yards with a total area of about 2,714m<sup>2</sup> for construction material and machinery. One loading/unloading (L/UL) bay for light goods vehicle, one L/UL bay for container vehicle and four private car parking spaces will be provided at the Site (**Drawing A-1**). The proposed operation hours are from 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. In order to minimise potential noise nuisances to the surrounding area, a 2.5m high solid metal fencing will be erected along the boundary of the Site.
- 1.3 The applicant also applies for regularisation of filling of pond for an area of about 2,291m<sup>2</sup> with a depth of not more than 1m (to a level of 6.8mPD) at the eastern portion of the Site (**Drawing A-2**). According to the applicant, the concerned pond had already been filled and no further filling of pond is required<sup>1</sup>.
- 1.4 Part of the Site is the subject of a previous application (details at paragraph 6 below) for temporary open storage of vehicle and vehicle parts for a period of 12 months, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1997.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 23.8.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 30.9.2024 (**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** and can be summarised as follows:

- (a) The current application is submitted by Southern Sea Investment Limited on behalf of Chun Sing Engineering Company Limited, who is the existing brownfield operator, to facilitate relocation of his existing open storage business in San Tin to the Site. As the existing open storage site is currently zoned as “Other Specified Uses” annotated “Innovation and Technology” on the San Tin Technopole OZP and included in Phase 1 of San Tin Technopole (the Technopole) development, the operation will be affected by upcoming land resumption by the Government. Hence, the applicant urgently needs to relocate the existing business to the Site to continue the operation.
- (b) The applicant has undergone a site searching process to identify alternative sites in the New Territories for relocation of the existing open storage business.

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<sup>1</sup> According to the applicant’s submission, the survey map prepared by the Lands Department in 1991 indicated that the Site was partially occupied by ponds only at its eastern portion. The applicant clarified that these ponds had already been filled in the early-1990s (**Drawing A-2**).

However, those sites were considered not suitable or impracticable due to various issues such as land use incompatibility, environmental concerns, land ownership, accessibility or the site area being too small. The Site is considered suitable for the relocation as it is relatively flat and easily accessible from San Tam Road via a local access.

- (c) The proposed use is considered suitable for the relocation as it has similar site area and GFA as the existing open storage business in San Tin. The proposed layout involves a substantial portion of the Site for circulation area, hence enhancing the Site's overall efficiency and minimising the potential adverse traffic impacts to the surrounding road networks.
- (d) The proposed use is only on a temporary basis, approval of the application will not frustrate the long-term planning intention of the "R(D)" zone and will better utilise deserted land in the New Territories.
- (e) The Site is located at an area in semi-rural character and are predominately occupied by sites with temporary structures for open storage yards, logistics warehouse and vacant land. Hence, the applied use is not incompatible with surrounding land uses. The applicant will make effort in complying with approval conditions in relation to fire services and drainage aspects, so as to minimise potential adverse impacts.
- (f) The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (CoP) issued by the Environmental Protection Department to minimise adverse environmental impacts and nuisances to the surrounding areas. The applicant will also comply with all relevant environmental protection/ pollution control ordinances and practice notes to minimise potential air quality, water quality, drainage and sewage impacts.

### **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 publishing notices in local newspaper and sending notice to San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

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

The Town Planning Board Guidelines for Application for Open Storage and Port Backup Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 3 areas under TPB PG-No. 13G and the relevant extract of which is at **Appendix II**.

## **5. Background**

- 5.1 The Government is conducting a planning study on the Ngau Tam Mei area (i.e. the Land Use Review Study for the Ngau Tam Mei Area) (the Review Study), which covers the Site.
- 5.2 The Site is not subject to any active planning enforcement action.

## **6. Previous Application**

- 6.1 Part of the Site is the subject of a previous application No. A/YL-NTM/15 for temporary open storage of vehicle and vehicle parts for a period of 12 months. The application was rejected by the Committee in 1997 on the grounds that the proposed use is not in line with the planning intention of the “R(D)” zone and is not compatible with the surrounding rural area and the village settlement; and approval of the application will set an undesirable precedent for similar applications.
- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

## **7. Similar Application**

During the past five years, there was no similar application within the same “R(D)” zone.

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

- 8.1 The Site is:
  - (a) currently fenced-off, largely paved and vacant; and
  - (b) accessible from its west via a local access connecting to San Tam Road.
- 8.2 The surrounding areas are rural fringe in character comprising mainly open storage yards, warehouse, public vehicle park approved under application No. A/YL-NTM/469, existing residential structures to the further north, east and south, planned residential developments including the proposed temporary transitional housing approved under application No. A/YL-NTM/470<sup>2</sup> and the proposed house developments approved under applications No. A/YL-NTM/372 and 377<sup>3</sup>, abandoned ponds, grave and vegetated land. To the west across San Tin Highway and San Tam Road is an “Open Storage” (“OS”) zone mainly with parking of vehicles/ container vehicles.

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<sup>2</sup> According to the approved scheme under application No. A/YL-NTM/470, the estimated completion date of the proposed transitional housing is February 2025.

<sup>3</sup> According to a recent site visit, the construction works for the two proposed house developments approved under applications No. A/YL-NTM/372 and 377 are yet to commence. According to the Buildings Department (BD), no approval of general building plan (GBP) for the two proposed house developments had been obtained from the Building Authority (BA).

## **9. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

- 10.1 Apart from the government bureau/department as set out in paragraph 10.2 below, other 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 IV and V** respectively.
- 10.2 The following government bureau/departments have the following comments on the application:

### **Policy Aspect**

#### **10.2.1 Comments of the Secretary for Development (SDEV):**

- (a) the applicant seeks planning permission to facilitate relocation of the affected brownfield operation in the San Tin Technopole;
- (b) facilitating relocation of affected brownfield operations is crucial to the smooth clearance of land and implementation of the San Tin Technopole. From the perspective of ensuring timely development of the San Tin Technopole and delivery of land for innovation and technology development, as well as facilitating the continued operation of displaced brownfield operations that meet the needs of economy, she supports the application; and
- (c) it should however be noted that the Site falls within the boundary of a Potential Development Area being examined under the Review Study and its implementation programme is still being studied. Notwithstanding this, she has no objection to the proposed temporary use at the Site.

### **Project Interface**

#### **10.2.2 Comments from the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):**

the Site falls within the boundary of a Potential Development Area being examined under the Review Study. However, the implementation programme of the proposed development at Ngau Tam Mei Area is still being studied. As the land resumption and clearance programme shall follow the project programme notwithstanding the validity period of the

planning permission, if granted, the applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and shall be advised not to carry out any substantial works therein.

### **Environment**

#### **10.2.3 Comments from the Director of Environmental Protection (DEP):**

- (a) he does not support the application in accordance with the latest CoP as there are sensitive receivers in the vicinity (i.e. a residential structure is about 1m south of the Site) and the application involves one L/UL space for container vehicle, which are considered as “heavy vehicle” under the context of CoP; and
- (b) there was no environmental complaint related to the Site in the past three years.

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

On 27.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**), including one from the Chairman of the Yuen Long Town Centre and Rural East Area Committee without providing comments/views on the application, and one from an individual raising objection to the application mainly on grounds that the proposed filling of pond would induce adverse environmental impacts and the application is not in line with TPB PG-No. 13G.

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

- 12.1 The application is for proposed temporary open storage of construction material and machinery for a period of three years and associated filling of pond at the Site zoned “R(D)” on the OZP. Whilst the proposed use is not in line with the planning intention of the “R(D)” zone, the application is to facilitate relocation of an existing brownfield business operation affected by the Technopole development. According to the applicant, the proposed use is considered suitable for the relocation as it has similar site area and GFA as the existing open storage business in San Tin. With the policy objectives of ensuring timely development of the San Tin Technopole and facilitating the continued operation of displaced brownfield operations that meet the needs of economy, SDEV supports the application. In view of above and taking into account the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 12.2 PM(W), CEDD advises that the Site falls within the boundary of a Potential Development Area being examined under the Review Study, and land resumption and clearance programme shall follow the project programme notwithstanding the validity period of the planning permission, if granted. 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 operation at the Site may be terminated at any time during the planning approval period for implementation of imminent government projects.

- 12.3 Filling of pond within the “R(D)” zone requires planning permission from the Board. The proposed associated filling of pond is for regularisation of the filled area at the eastern portion of the Site. According to the applicant, the subject pond had already been filled and no further filling of pond is required. Chief Engineer/Mainland North of Drainage Services Department and DEP have no comment on the proposed associated filling of pond.
- 12.4 While the surrounding land uses consist of abandoned ponds and some existing and planned residential structures/ developments including the proposed temporary transitional housing approved under application No. A/YL-NTM/470 and the proposed house developments approved under applications No. A/YL-NTM/372 and 377, there are also open storage yards, warehouse and parking of vehicle/ container vehicles located to the south of the Site and within the “OS” zone to the further west across San Tin Highway and San Tam Road. For the said proposed house developments, a recent site visit also revealed that the construction works of which are yet to commence and according to BD, no approval of GBP had been obtained from the BA. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective considering that the Site is not located within landscape sensitive zoning and no significant landscape impact is anticipated.
- 12.5 The Site falls within Category 3 areas under TPB PG-No. 13G and the following considerations in which are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Besides, sympathetic consideration could also be given if there is policy support given by the relevant bureau(x) to the application for the relocation of uses/operations affected by resumption and clearance operations of the Government to the concerned sites and no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.

- 12.6 DEP does not support the application as the proposed use involves the use of heavy vehicles and environmental nuisance is expected as there are sensitive receivers in the vicinity of the Site (i.e. the nearest residential restructure is about 1m south of the Site). Notwithstanding this, the Site is accessible from its west via a local access

road directly connecting to San Tam Road without passing through the surrounding residential structures (**Plan A-2**). Besides, the operation is subject to relevant pollution control ordinances and environmental protection regulations in which the applicant has committed to comply with. To address DEP's concerns, the applicant will be advised to follow the CoP issued by EPD to minimise any potential environmental impacts caused by the proposed use on the surrounding areas.

- 12.7 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services have no in-principle objection to the application from traffic and fire safety aspects. To address technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Although there is a previous application for temporary open storage of vehicle and vehicle parts for a period of 12 months rejected by the Committee in 1997, it is considered that the planning circumstances of the current application are different from that application as policy support is given to the current application from SDEV. In light of the above, the application is considered generally in line with TPB PG-No. 13G.
- 12.8 Regarding the public comments as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comments mentioned in paragraph 11, PlanD considers that the proposed use could be tolerated for a period of three years.
- 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 4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the submission of a 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 4.4.2025;
- (b) in relation to (a) above, the implementation of the 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 4.7.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.11.2024;



- (e) the submission of a 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 4.4.2025;
- (f) in relation to (e) above, 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 4.7.2025;
- (g) the submission of a run-in/out proposal for the development within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 4.4.2025;
- (h) in relation to (g) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 4.7.2025;
- (i) if the above planning condition (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;
- (j) if any of the above planning condition (a), (b), (d), (e), (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 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 proposed use with associated filling of pond is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

## **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 with attachments received on 23.8.2024
<b>Appendix Ia</b>	FI received on 30.9.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Plan of Pond Filling
<b>Plan A-1</b>	Location Plan with Previous Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**