

RNTPC Paper No. A/YL-ST/595A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 12.11.2021

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

**APPLICATION NO. A/YL-ST/595**

<b><u>Applicant</u></b>	: Topcycle Development Limited represented by PlanPlus Consultancy Limited
<b><u>Site</u></b>	: Lots 661 S.C RP (Part) and 674 RP (Part) in D.D. 99 and adjoining Government Land (GL), San Tin, Yuen Long
<b><u>Site Area</u></b>	: 7,944 m <sup>2</sup> (about) (including about 128 m <sup>2</sup> of GL)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<b><u>Zoning</u></b>	: “Other Specified Uses” annotated “Service Stations” (“OU(SS)”)
<b><u>Application</u></b>	: Proposed Temporary Open Storage of Construction Machinery and Materials 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 open storage of construction machinery and materials and containers for a period of 3 years (**Plan A-1a**). The Site falls within an area zoned “OU(SS)” on the OZP. The proposed open storage of construction machinery and materials’ is neither Column 1 nor Column 2 use. According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Board, notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 The Site (in whole or in part) is the subject of nine previously approved applications (**Plan A-1b**). Six applications are for temporary cross-border traffic service station uses (Applications No. A/YL-ST/36, 275, 342, 354, 424 and 445). The last three applications submitted by the current applicant are for temporary cross-boundary shopping centre (Applications No. A/YL-ST/476 and 529) and commercial development (Application No. A/YL-ST/503) respectively.
- 1.3 As shown on the Master Layout Plan at **Drawing A-1** and **Plan A-2**, the Site is accessible in the northeast via a proposed 9m wide ingress/egress from San Tin

Tsuen Road. The proposed development comprises 13 structures with a total gross floor area (GFA) of about 383.3 m<sup>2</sup> and site coverage of about 4.8%. It includes (i) an open storage area for construction machinery and materials and a container storage for eight 40-foot containers (one-storey/about 2.6m with 2.6m high noise barrier on top) with GFA of about 237.95 m<sup>2</sup> in the northern part of the Site, (ii) ancillary facilities including a 2-storey container-converted site office (comprises 4 containers of about 5.2m high) with GFA of about 136.35 m<sup>2</sup>, and (iii) two guard rooms (1 storey/about 2.4m) and two mobile toilets (1 storey/about 2.4m) with GFA of about 9m<sup>2</sup> in the eastern part of the Site. There are two loading and unloading (L/UL) bays for container vehicles and two private car parking spaces provided near the site entrance. A 2.5m high solid metal wall will be provided along the site boundary. The existing tree planting to the north and east of the Site will be largely preserved with a new landscape buffer to be provided in the area adjacent to the site offices (**Drawings A-2 to A-4**). There will be an average of 10 staff members at the Site during the operation hours which are from 7:00am to 7:00pm from Monday to Saturday.

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

- (a) Application form and Planning Statement received on 4.8.2021 with replacement pages received on 11.8.2021 **(Appendix I)**
- (b) Letter received on 23.8.2021 withdrawing the Drainage Impact Assessment (DIA) with consent letter for the current applicant to use and maintain the existing drainage facilities on the Site <sup>#</sup> **(Appendix Ia)**
- (c) Further Information (FI) received on 17.9.2021 and 21.9.2021 providing responses to departmental comments with replacement pages of the planning statement and submitted technical assessments with revised site layout plan, revised landscape master plan and updated visual appraisal <sup>@</sup> **(Appendix Ib)**
- (d) FI received on 2.11.2021 and 4.11.2021 providing responses to departmental comments <sup>#</sup> **(Appendix Ic)**
- (e) FI received on 9.11.2021 clarifying minor details of the proposed development with amended site layout plan <sup>#</sup> **(Appendix Id)**

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

<sup>@</sup> *not exempted from the publication requirement*

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

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and FI at **Appendices I to Id**. They can be summarised as follows:

### **Facilitating the Transitional Housing Development in Kam Tin South**

- (a) The current application is for reprovisioning of a current open storage operation for construction machinery and materials at a site zoned “Comprehensive

Development Area” in Kam Tin South which is the subject of planning application No. A/YL-KTS/899<sup>1</sup> for proposed temporary transitional housing development coordinated by Transport and Housing Bureau for a period of 3 years. Approval of the application can facilitate the proposed transitional housing development in Kam Tin South by relocating the current open storage activities within the Kam Tin site to the subject Site in San Tin.

#### Planning Intention & Land Use Compatibility

- (b) The “OU(SS)” zone offers the opportunity to develop the area into a service station to facilitate cross-boundary trading facilities. The proposed temporary open storage for construction machinery and materials and containers for a period of 3 years will not jeopardise the long term planning intention of the “OU (SS)” zone. The maximum building height of not more than 5.2m and site coverage of 4% do not exceed the restrictions of 15m in maximum building height and maximum site coverage of 66% for non-domestic use permissible within the “OU(SS)” zone.’
- (c) The proposed development complies with the requirements of Town Planning Board (TPB) Guidelines No. 12C in that whilst the Site is located within the Wetland Buffer Area (WBA) of the Deep Bay Area, there is no net loss of wetland, and TPB Guidelines No. 13F in that the Site is classified as Category 2 area which is considered suitable for temporary uses for open storage.
- (d) The proposed development is compatible with the adjoining uses of vehicle parks, container storage, open storages and logistics operations to the north, south and west of the Site.

#### Technical Feasibility

- (e) The proposed open storage area in the northern portion of the Site is away from the residential dwellings in Wing Ping Tsuen. The types of construction machinery and materials to be stored at the Site include crawler cranes, reverse circulation drilling, hydraulic casing oscillator, air compressor, hydraulic belting tool, drill pipe, bored pile casting, water pump, filtration plant, water tank, welding machine and casing reducer, etc. The eight 40-feet containers (1 storey) at the container storage area along the 6m-wide internal road with an addition of 2.6m high noise barrier on top will serve as noise barriers to mitigate the impact arising from the movement of the heavy machineries on-site. The operation hours of the proposed development are in line with the nearby vehicle service centres and logistics sites.
- (f) Various technical assessments have been conducted and the respective findings confirm that the proposed development will not cause adverse impact on traffic, visual, landscape, drainage, sewerage and environmental aspects:
  - to address the departmental comments on the application, the proposed ingress/ egress has been widened from 7.3m to 9m, resulting in a slight increase of the site area from 7,940m<sup>2</sup> to 7,944m<sup>2</sup>. The Site is served by nearby public transportation operating within 300m or about 5-minutes’ walk and can be accessed through the 9m wide run-in/out from San Tin Interchange or Castle Peak Road – San Tin via San Tin Tsuen Road. The internal transport facilities

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<sup>1</sup> Application No. A/YL-KTS/899 was considered and approved by the Committee on 24.9.2021 on a temporary basis for a period of 3 years until 24.9.2024.

including the 6m wide internal road and parking and L/UL spaces are provided based on operational needs. The traffic generation of 3-4 vehicle trips per day is insignificant;

- with the proposed maximum building height of 5.2m (2 storeys container office and 5.2m height noise barrier) and landscape planting, the proposed development will be largely not visible from various vantage points with the existing views towards the Site generally remain unchanged (**Drawings A-2 and A-5**), the overall visual impact will be insignificant;
  - consent has been obtained from the land owner of the Site for the current applicant to use and maintain the existing drainage facilities on the Site (**Appendix Ia**);
  - mobile toilets are proposed to cater the sewage generated from the proposed development with appropriate cleaning service to be provided during implementation stage; and
  - the applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental impacts on the surrounding area. No dusty operations including cutting, grinding, polishing or transferring of dusty construction material (e.g. sand stockpile) are anticipated. Noise mitigation measures will be provided, including the 2.5m high solid metal boundary wall, installation of noise barrier with a mass density not less than 10 kg/m<sup>2</sup>, namely, the 1 storey of continuous 40 feet standard containers with 1 storey (2.6m) or 2-storey (5.2m) high noise barrier and the 2-storey container office to block the line of sight of the heavy vehicles and L/U activities from the nearby noise sensitive receivers (NSRs) (**Drawing A-1**) and large separation distance (location of the proposed development at least 137m away from the NSRs to the southwest of the proposed development) and minor noisy activities inside the open storage area.
- (g) The applicant will strictly comply with all the relevant licensing requirements regarding fire safety, hygiene, air quality and noise nuisance upon obtaining the planning permission.

#### Previous Approval for Similar Uses

- (h) The Site was the subject of previously approved applications (No. A/YL-ST/275, 342, 354, 424 and 445) for temporary open storage for similar uses for containers, container tractors/trailers and other oversized items. Approval of the current application will not set undesirable precedent for similar development in the “OU(SS)” zone.

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

The applicant is the sole “current land owner” of the private lots within the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the “Owner’s Consent/Notification” 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) are not applicable.

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

##### ***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)***

- 4.1 According to TPB PG-No. 13F, the Site falls within Category 2 areas which are areas mostly without clear planning intention or fixed development programme; areas to be affected by major upcoming infrastructural projects; areas within or close to clusters of open storage, port back-up or other types of brownfield sites which are regarded as “existing uses” under the Town Planning Ordinance and/or subject of previous planning approvals. In addition, the areas should not be subject to high flooding risk.
- 4.2 For Category 2 areas, technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years.
- 4.3 Taking into account the demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in areas of close proximity to the border crossing points, such as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

##### ***Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)***

- 4.4 According to TPB PG-No. 12C, the Site falls within the WBA. The relevant assessment criteria are summarised as follows:
  - (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
  - (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA; and

- (c) open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.

## 5. **Background**

- 5.1 The Site is within the proposed boundary of San Tin/Lok Ma Chau Development Node (STLMC DN), which falls within the proposed Enterprise and Technology (E&T) Park according to the feasibility study of the STLMC DN.
- 5.2 The Site is not subject to active planning enforcement action.

## 6. **Previous Applications**

- 6.1 The Site in whole or in part is subject of 11 previous applications (Application No. A/YL-ST/36, 192, 262, 275, 342, 354, 424, 445, 476, 503 and 529). The former eight of which are for temporary cross-boundary traffic service station, and the last three are for temporary cross-boundary shopping centre (Applications No. A/YL-ST/476 and 529) and commercial development (Application No. A/YL-ST/503) respectively. Except for application Nos. A/YL-ST/192 and 262, all applications were approved by the Committee (**Plan A-1b**).

### Rejected Applications

- 6.2 Applications No. A/YL-ST/192 and 262 for temporary cross-boundary traffic service station was rejected by the Committee in 2002 and 2004 for the reasons of insufficient information to demonstrate that the proposed development would not result in adverse impacts including drainage, traffic, sewerage, environment and ecology on the surroundings in particular the Mai Po Nature Reserve and that the developments were not in line with TPB PG-No. 12B and TPB PG-No. 13E.

### Approved Applications

- 6.3 Application Nos. A/YL-ST/36, 275, 342, 354, 424 and 445 were submitted by other applicants for temporary cross-boundary traffic service station use were approved with conditions by the Committee between 1997 and 2014 for periods of 2 to 3 years mainly on the considerations that the developments would provide supporting facilities for the cross-boundary traffic and the container related facilities in the Lok Ma Chau area, the developments were not incompatible with the surrounding land uses, and the developments generally complied with the then TPB PG-Nos. 12B and 13E.
- 6.4 Applications No. A/YL-ST/476 and 529 were submitted by the current applicant for temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods (known as 'The Boxes'). The former was approved by the Committee on 18.9.2015 whereas the latter, which was an application for renewal of the planning permission

of No. A/YL-ST/529, was approved by the Committee on 7.9.2018, mainly on the considerations that approval of the applications at the Site on a temporary basis would not frustrate the long-term planning intention of the “OU(SS)” zone; the proposed developments were not incompatible with the surrounding areas; they would unlikely have significant off-site negative impact on the ecological value of the WCA; and would not cause adverse impact on the surrounding areas. While the approval conditions for Application No. A/YL-ST/476 were all complied with, the planning permission for Application No. A/YL-ST/529, which was extended and valid until 18.9.2021, was revoked on 19.2.2021 due to non-compliance with approval conditions on implementation of the fire service installations (FSIs) proposal and the drainage measures.

- 6.5 Application No. A/YL-ST/503 submitted by the same applicant for commercial development (eating place, place of entertainment, shop and services) with minor relaxation of height restriction and excavation of land was approved with conditions by the Committee on 26.1.2018 mainly on the considerations that the proposed development was generally in line with the planning intention for the “OU(SS)” zone; concerned departments have no objection to the application; the proposed building form and building height were considered compatible with the surrounding areas. The planning permission for this permanent commercial development is valid until 26.1.2022. The applicant is currently in the process of undertaking work for commencement of the approved development.

- 6.6 Details of these applications are summarised at **Appendix II**.

## **7. Similar Applications**

Since the promulgation of TPB PG-No. 13E in 2008, there were four similar applications (No. A/YL-ST/438, 447, 506 and 575) for temporary vehicle park (including container vehicles/public car park), container storage area, storage of new unlicensed container tractors/construction materials, tyre repair and service/vehicle repair and/or sale of container vehicles and related parts/accessories within the same “OU(SS)” zone on the OZP (**Plan A-1a**). They were approved by the Committee between 2013 and 2020 mainly on the considerations that approval on a temporary basis would not frustrate the long-term planning intention of the “OU(SS)” zone, the developments were not incompatible with the surrounding land uses and were in line with TPB PG-No. 13E/13F. Nevertheless, the planning permission for Application No. A/YL-ST/438 was revoked on 11.10.2014 due to non-compliance with approval conditions on provision of boundary fencing and submission and implementation of the drainage, landscape and tree preservation and FSI proposals. Details of these applications are summarised at **Appendix III**.

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

- 8.1 The Site is:

- (a) accessible from the northeast off San Tin Tsuen Road leading to Castle Peak Road – San Tin;

- (b) in close proximity to the Lok Ma Chau Control Point and the Lok Ma Chau Spur Line Control Point;
  - (c) located in the northwestern part of the previous site of The Boxes for temporary cross-boundary shopping centre (which is the subject of previous approvals for a temporary cross-boundary shopping centre under Application No. A/YL-ST/529 (which has been revoked) and a permanent commercial development (eating place, place of entertainment and shops and services) under Application No. A/YL-ST/503). The previous structures of The Boxes has been demolished and the Site in the current application is vacant land with a few container structures left on-site; and
  - (d) located within WBA of the Deep Bay area.
- 8.2 The surrounding areas are predominated by vehicle parks and open storage yards with port back-up uses:
- (a) to its northeast across San Tin Tsuen Road and the nullah to the east of San Sham Road is a temporary public vehicle park for private cars and Lok Ma Chau-Huanggang Cross Boundary Shuttle Buses approved under Application No. A/YL-ST/588;
  - (b) to its immediate north are open storage yards for construction materials, container and vehicles. To its further north is a temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container/tractors, storage of construction materials, tyre repair and sale of container vehicles and related parts/accessories approved under Application No. A/YL-ST/575;
  - (c) to its immediate south and southwest are the former site of The Boxes which is now vacant. This site is also approved for permanent commercial development under Application No. A/YL-ST/503. To its further southeast to the north of Tung Wing On Road is a site approved for temporary shop and services under Application No. A/YL-ST/592; and
  - (d) area further south of Tung Wing On Road are existing village houses with some retail shops within the “Village Type Development” zone covering the seven villages of Wing Ping Tsuen, Tung Chan Wai, Yan Shau Wai, On Lung Tsuen, Fan Tin Tsuen, San Lung Tsuen and Tsing Lung Tsuen.

## **9. Planning Intention**

- 9.1 The “OU(SS)” zone is intended primarily to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby.
- 9.2 According to the Explanatory Statement (ES) of the OZP, the area under the “OU(SS)” zoning consists of mainly container trailer parks, container storage and



car repairing workshops. Due to its proximity to the San Sham Road and the Lok Ma Chau Control Point, it offers opportunities to develop the area into a service station to facilitate the cross-boundary trading activities. In order to have a better control of the impact of any development on drainage, traffic, sewerage, environment and ecology on the nearby extensive fish pond area, for those uses which require planning application, the applicant has to prepare a layout plan and to demonstrate that due regard has been given to minimize the adverse impacts of the development on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish pond areas.

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

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of the GL with an area of about 128 m<sup>2</sup> (subject to verification) included in the Site. The act of occupation of the remaining GL portion of the Site without Government's prior approval is not allowed.
- (c) The private land of Lots No. 661 S.C RP and 674 RP in D.D. 99 are covered by Short Term Waiver (STW) No. 4989 to permit structures for the purpose of "Temporary Cross-boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Service (Fast Food Shop), Office and Storage of Consumer Goods)".
- (d) It is noted that an access road connecting the lot (i.e. Lot 674 RP) and San Tin Tsuen Road is proposed to be built on GL. There is no guarantee that a right-of-way over GL will be granted. In addition, according to the established practice, application of Short Term Tenancy for the purpose of access on GL will not be entertained, even if the planning application is approved by the Board.
- (e) Should planning approval be given to the planning application, the STW holder will need to apply to his office for modification of the STW conditions where appropriate. The applicant has to either exclude the GL from the Site or apply for formal approval prior to actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularisation or erection

of temporary structure(s) will be considered. Such applications will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to San Tin Tsuen Road via section of a local access which is not managed by Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Having regarded the applicant's FI, he has no adverse comment on the application from traffic engineering perspective.
- (c) Should the application be approved, a condition should be incorporated such that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

#### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from San Tin Tsuen Road should be approved by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and San Tin Tsuen Road.
- (c) If the access arrangement is agreed by TD, the applicant should provide the run in/out at San Tin Tsuen Road to the satisfaction of TD and HyD in accordance with the latest highways standard to match with the existing adjacent pavement.
- (d) There are existing railings along San Tin Tsuen Road. If the proposed vehicular access point at San Tin Tsuen Road is agreed by TD, the applicant should submit the details of modification works of existing railings/street furniture at San Tin Tsuen Road for TD and HyD's review. No modification works of railings/street furniture should be implemented unless approval on the modification proposal is obtained from TD and HyD.
- (e) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Railway and Major Developments**

#### 10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) The Site is in proximity to the alignment of Northern Link Bifurcation under study by MTRCL. Should the applicant intend to extend the application for temporary shop and services after 3 years, the applicant should be aware of the potential bifurcation alignment and any potential impacts to the application of extension.
- (b) The Site falls within the Administrative Route Protection (ARP) boundary and area of influence (AOI) of the proposed Northern Link (NOL). It should be reminded that the construction of NOL may commence in 2025 tentatively. Those areas within the ARP and AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL.
- (c) He has no comment on the application from the point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.
- (d) The applicant should also be reminded that the NOL alignment and its ARP/AOI may be subject to further amendments.

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

The Site is within the proposed boundary of San Tin/Lok Ma Chau Development Node (STLMC DN). According to the latest tentative development programme of STLMC DN, the construction work and land resumption will commence after the funding approval by the Financial Committee of Legislative Council tentatively by 2025. Thus, the Site, which is within the boundary of STLMC DN, will probably be required for timely clearance and construction.

### **Environment**

#### 10.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant submitted the FI on the revised Environmental Assessment (EA) in **Appendices Ib and Ic** to support the application. Based on the information in the revised EA, the following key mitigation measures, as proposed by the applicant, will be implemented to avoid/minimise environmental impacts to nearby sensitive receivers:

- (i) screening structures will be provided on-site (e.g. 2.5m high solid boundary wall, 5.2m high noise barriers, and 2.6m high noise barriers on top of the containers as shown in Drawing No. A-02) to screen off line-of-sight from nearby village houses;
  - (ii) heavy vehicles will avoid travelling along the Castle Peak Road – San Tin as far as practicable; and
  - (iii) no noisy operation will be carried out from 7:00 p.m. to 7:00a.m. next day.
- (b) There was no environmental complaint related to the Site in the past 3 years.
- (c) Based on the above consideration, DEP has no objection to the planning application and suggests to include the following approval conditions if the application is approved:
- (i) no noisy operation shall be carried out from 7:00 p.m. to 7:00a.m. next day, as proposed by the applicant; and
  - (ii) no heavy vehicles shall travel along the section of Castle Peak Road – San Tin in front of Wing Ping Tsuen and beyond Tung Wing On Road, as proposed by the applicant.
- (d) The applicant is also advised to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance.

### **Landscape and Urban Design**

#### 10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

##### **Landscape Planning Perspective**

- (a) According to the aerial photos taken in 2020, the Site is situated in an area of miscellaneous urban fringe landscape character comprising temporary structures, open car parks, small houses, and scattered tree groups. Noting that previous applications (No. A/YL-ST/167 and 575) for similar open storage uses in close proximity of the Site were approved in 2001 and 2020, the proposed use is considered not incompatible with the surrounding landscape setting. According to site photos taken on 19.08.2021, the Site is mainly hard paved with existing temporary structures.
- (b) According to **Appendix Ib**, there are around 15 existing trees of common species, including *Ficus microcarpa* (細葉榕) and *Sapium sebiferum* (烏柏) along the northeast boundary of the Site. 6 nos. of

trees in conflict with the proposed run in/out of the proposed development are proposed to be felled and 6 new trees are proposed to be planted (**Drawing A-2**). Having regarded the FI, she has no further comment on the FI and no objection to the application from landscape planning perspective.

- (c) In view that there are existing trees along the site boundary for screening and significant adverse impact arising from the proposed development is not anticipated, it is considered not necessary to impose a landscape condition should the Board approve the application. Her advisory comments are at **Appendix V**.

#### Urban Design Perspective

- (d) The Site of about 7,944m<sup>2</sup> is zoned “OU(SS)” on the OZP with some open storage yards and temporary structures to its north and northeast, village type developments to its southwest, the San Tin Interchange to its east, and the Lok Ma Chau Control Point to its further northwest. According to the Notes of the OZP, development within the “OU(SS)” zone is subject to a maximum gross floor area (GFA) of 220,000m<sup>2</sup>, a maximum site coverage of 66% for domestic uses and 100% for non-domestic uses and a maximum building height of 4 storeys (15m).
- (e) According to the applicant’s proposal, the proposed development is composed of 13 structures of not more than 2 storeys (up to 9.45mPD), with a total GFA of 383.3m<sup>2</sup> and a total PR of 0.05. Taking into account the scale of development and its temporary nature, the proposed development is considered not incompatible with the surrounding context. As shown from the photomontages in the submitted VIA (**Appendix Ib and Drawings A-3 to A-5**), the overall visual impact of the proposed development is considered to be slight to negligible as rated by the applicant.

#### Fire Safety

##### 10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to the satisfaction of D of FS.
- (b) FSIs are anticipated to be required in consideration of the design/nature of the proposal. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSI should be clearly marked on the layout plans. Good practice guidelines for open storage should be adhered to (**Appendix V**).

- (c) Having considered the nature of open storage, a condition should be imposed requiring the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS if the application is approved by the Board. The applicant should also be advised to submit a valid fire certificate (FS 251) to his department for approval. His advisory comments are at **Appendix V**.

### **Buildings Matters**

#### 10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (b) The Site does not abut a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations (B(P)R) at the building plan submission stage.
- (c) Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and are subject to the control of Part VII of B(P)R.
- (d) Detailed checking of plans under BO will be carried out at the building plan submission stage. His detailed advisory comments are at **Appendix V**.

### **Drainage**

#### 10.1.10 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

It is noted in **Appendix Ia** that consent has been obtained from the land owner of the Site for the current applicant to use and maintain the existing drainage facilities on the Site. As such, he has no objection in principle to the application from drainage operation and maintenance point of view.

#### 10.2 The following government bureau/departments have no objection to / no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Commissioner of Police;
- (c) Project Manager (West), CEDD;

- (d) Chief Engineer/Construction, Water Supplies Department; and
- (e) District Officer (Yuen Long), Home Affairs Department.

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

On 13.8.2021 and 28.9.2021, the application and FI were published for public comments. During the statutory publication periods, a total of six public comments were received from the San Tin Rural Committee (STRC) and three individuals (both STRC and an individual have submitted similar comments in the 2 publications) raising objection to the application on the grounds that the proposed open storage of construction machinery and materials in the rural area will increase the traffic flow and result in traffic congestion, environmental pollution, increase fire risk and affect the safety and living quality of the residents; San Tin is an important transport hub with proximity to Huanggang Port and Futian Port for cross-boundary passenger and goods vehicles travel where its transport capacity is already saturated, the proposed development with long vehicles accessing the Site will further aggravate the traffic situation and safety in San Tin area; since the Kam Tin site is to make way for transitional housing development, the open storage operation therein should be relocated within the same Kam Tin district; and the Site should alternatively be used for transitional housing instead of open storage (**Appendix IV**).

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

- 12.1 The application is for proposed temporary open storage of construction machinery and materials and containers for a period of 3 years within the “OU(SS)” zone. The planning intention of the “OU(SS)” zone is to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby. According to the feasibility study of the STLMC DN, the Site falls within the proposed E&T park in the DN. As claimed by the applicant, the proposed temporary use is to facilitate the relocation of the existing open storage operation at the site in Kam Tin which has been approved for transitional housing by the Committee. It would be an interim use to optimise the use of land resources. In this connection, approval of the current application at the Site on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “OU(SS)” zone and the future planning of the Site.
- 12.2 The Site is strategically located in close proximity to the Lok Ma Chau cross-boundary area. The development is not incompatible with the surrounding areas which are predominantly occupied by vehicle parks and open storage yards with container port back-up uses.
- 12.3 Although the Site falls within the WBA of TPB PG-No. 12C, it is stipulated in the guidelines that planning applications for temporary uses are exempted from the requirement of EcoIA. It is also stated in the guidelines that open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area. DAFC has no adverse comment on the application from nature conservation

perspective.

- 12.4 The Site falls within Category 2 area under TPB-PG No. 13F. The application is in line with TPB PG-No. 13F in that the Site is close to clusters of open storage, port back-up or other types of brownfield sites which are subject of previous planning approvals. In support of the application, the applicant has also submitted technical assessments to demonstrate that the proposed temporary use would not generate adverse impacts on traffic, environment, sewerage, tree/landscape and visual aspects with the implementation of the proposed mitigation measures. DEP, C for T, CHE/NTW of HyD, CTP/UD&L of PlanD, CE/MN of DSD, D of FS and CE/C of WSD have no objection to or no adverse comment on the application. Should the application be approved, technical requirements of DEP, C for T, D of FS and CE/MN of DSD are suggested as approval conditions in paragraphs 13.2 below. Besides, the applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate any potential environmental impacts on the surrounding areas.
- 12.5 There have been nine previously approved applications mainly for temporary cross-boundary traffic service station, temporary cross-boundary shopping centre and commercial development at the Site as detailed in paragraph 6 above. Since 2011, the Committee has approved a total of four similar applications for temporary vehicle park, container storage of various uses as detailed in paragraph 7 above. Approval of the current application is therefore in line with the previous decisions of the Committee.
- 12.6 There are six public comments raising objection to the application as stated in paragraph 11. The planning considerations and departmental comments above are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments 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 up to 12.11.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 7:00p.m. and 7:00a.m., 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 public road at any time during the planning approval period;
- (d) no heavy vehicles shall travel along the section of Castle Peak Road – San Tin in front of Wing Ping Tsuen and beyond Tung Wing On Road, as proposed by the applicant, at any time during the planning approval period;
- (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 12.5.2022;
- (f) in relation to (e) 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 12.8.2022;
- (g) 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 ~~12.5.2022~~ 24.12.2021;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (h) 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 conditions (e), (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 at **Appendix V**.

13.3 There is no apparent reason to reject the application.

**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 and Planning Statement received on 4.8.2021 with replacement pages received on 11.8.2021
<b>Appendix Ia</b>	Letter received on 23.8.2021
<b>Appendix Ib</b>	FI received on 17.9.2021 and 21.9.2021
<b>Appendix Ic</b>	FI received on 2.11.2021 and 4.11.2021
<b>Appendix Id</b>	FI received on 9.11.2021
<b>Appendix II</b>	Previous s.16 Applications
<b>Appendix III</b>	Similar s.16 Applications
<b>Appendix IV</b>	Public comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Landscape Master Plan – All Levels
<b>Drawing A-3</b>	Landscape Section – Section A-A’
<b>Drawing A-4</b>	Landscape Section – Section B-B’
<b>Drawing A-5</b>	Photomontage (Vantage Point from San Tin Tsuen Road)
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2021**