

RNTPC Paper No. A/YL-ST/613
For Consideration by
the Rural and New Town
Planning Committee
on 4.3.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/613

<u>Applicant</u>	: Ko Tat Engineering Company Limited represented by Top Bright Consultants Limited
<u>Site</u>	: Lots 155 (Part) and 157 in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 1,321 m ² (including about 63.8 m ² of GL (about 4.8%))
<u>Lease</u>	: Block Government Lease (demised agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”)
<u>Application</u>	: Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years (**Plan A-1a**). According to the 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). The Site is currently used for the applied uses.
- 1.2 The Site is the subject of eleven previous applications (No. A/YL-ST/84, 96, 165, 191, 193, 281, 319, 374, 420, 478 and 535) mainly for temporary container tractors/trailers parks, workshops and parking of lorry cranes for sale (**Plan A-1b**). The last application (No. A/YL-ST/535) was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 18.1.2019 for a period of 3 years until 18.1.2022. All approval conditions had been complied with.

- 1.3 As shown in **Plan A-2**, the Site is accessible from Castle Peak Road – San Tin. According to the layout plan (**Drawing A-1**) submitted by the applicant, there are three existing structures (one to two storeys, 4.8m to 5m in height with a gross floor area (GFA) of 796m²) for site office, ancillary maintenance workshop and canopy for parking of lorry cranes for sale. Six lorry crane parking spaces are provided. The operation hours of the Site are from 7:00 a.m. to 7:00 p.m. from Monday to Saturdays, no operation on Sundays and public holidays. As compared with the last application, the site area has been slightly reduced while the GFA has been increased from 750m² to 796m².
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 7.1.2022 (Appendix I)
 - (b) Planning Statement (Appendix Ia)
 - (c) Supplementary information (SI) received on 7.1.2022 (Appendix Ib)
 - (d) Further information (FI) received on 24.2.2022 in response to departmental comments.* (Appendix Ic)

Remarks: * accepted and exempted from publication and recounting requirements.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ib**. They can be summarized as follows:

- (a) The previously approved applications of similar uses on the Site since 1999 and the similar applications in the vicinity indicate that the applied use is acceptable within “R(D)” zone. The applicant has also fully complied with all the approval conditions stipulated in previous planning applications.
- (b) The lorry cranes are serving the businesses in San Tin and Ngau Tam Mei. Sites for vehicle related business are in great demand.
- (c) According to the Town Planning Board Guidelines No. 13F for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13F), the Site falls within “Category 2” areas. The Site is considered tolerable for the development of open storage and port back-up uses on a temporary basis and complies with the assessment criteria.

- (d) The temporary use does not contravene the planning intention of “R(D)” zone as there is no planned or committed development programme for any residential development on the Site. It is compatible with the surrounding areas comprising open storage yards, logistics centre, cargo handling and forwarding facilities, and vehicle repair workshops.
- (e) No adverse or significant traffic, environmental and drainage impacts are anticipated.

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

The applicant is not a “current land owners” of the private lots within the Site but has complied with the requirement 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 notice to the San Tin Rural Committee through registered post. Detailed information would be deposited at the meeting for Member’s inspection. The remaining part of the Site is GL, and the “owner’s consent/notification” requirements are not applicable.

4. Town Planning Board Guidelines

- 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.

5. Background

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

6. **Previous Application**

- 6.1 The Site in part is the subject of eleven previous applications (No. A/YL-ST/84, 96, 165, 191, 193, 281, 319, 374, 420, 478 and 535). Except for applications No. A/YL-ST/165 and 193 which were mainly rejected on the ground that there was insufficient information to demonstrate that the development would not have adverse impacts, other applications were approved by the Committee (**Plan A-1b**). For the nine approved applications, five are for the same applied use for parking of lorry cranes for sale with ancillary maintenance workshop, with the remaining four for container vehicle parks and maintenance depot for cranes.
- 6.2 The last application (No. A/YL-ST/535) was approved by the Committee on 18.1.2019 for a period of 3 years until 18.1.2022 mainly on the considerations that approval on a temporary basis would not frustrate the long-term planning intention, the applied use was not incompatible with the surrounding land uses; the applied use was in line with TPB PG-No. 13E; no adverse departmental and public comment; and approval of the applied use is in line with the previous decisions of the Committee. All approval conditions had been complied with.
- 6.3 Details of this application are summarised at **Appendix II**.

7. **Similar Applications**

- 7.1 During the past five years since 2017, there are twelve similar applications (No. A/YL-ST/510, 511, 512, 525, 526, 527, 528, 546, 551, 577, 594 and 607) for open storage and vehicle repair work uses within the same “R(D)” zone on the OZP which were approved by the Committee mainly on the considerations that approval on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone, the developments were not incompatible with the surrounding land uses and were in line with TPB PG-No. 13E.
- 7.2 Details of the applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
 - (a) accessible from the North off Castle Peak Road – San Tin;
 - (b) paved, fenced off, and occupied by structures for the applied use.

8.2 The surrounding areas are a mix of open storage yards, warehouse, vehicle parks (including container vehicle parks), vehicle repair workshops, logistic centre and cargo handling and forwarding facilities:

- (a) to the immediate north is Castle Peak Road – San Tin. To the further north, northwest across Castle Peak Road – San Tin are a logistic centre with container vehicles park, vehicle repair workshops and beauty service approved under application No. A/YL-ST/594, an open storage yards, residential structures and vacant land;
- (b) to the east is an open storage yard for scarp materials and to the northwest are the cargo handling and forwarding facilities and open storage of containers;
- (c) to the south and southeast are a warehouse, a container and goods vehicle park, an open storage yard and a cycling track. To the further south is San Tin Highway; and
- (d) to the west are open storage yards, vacant land, amenity area and a nullah.

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 The following government departments have been consulted and their views on the application are summarized 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 Scheduled Agricultural Lots (OSALs) and GL. The OSALs are 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) The GL (about 63.8m²) of the Site is covered by a Short Term Tenancy (STT) No. 2650 for the purpose of “Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop”.
- (c) The private land of Lot Nos. 155 and 157 in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3670 and 3671 respectively to permit structures for the purpose of “~~Ancillary Structures to~~ Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop”.
- (d) Should planning approval be given to the subject planning application, the STT/STW holders will need to apply to his office for modification of STT/STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications 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 will be approved. If such application 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.

Traffic

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

- (a) Only lorry crane (vehicle length not over 7m) is allowed to access the Site.
- (b) 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, Highway Department (CE/NTW, HyD):

- (a) The access arrangement of the Site from Castle Peak Road – San Tin should be commented by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin.
- (c) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

10.1.4 Comments of the Commissioner of Police (C of P):

- (a) No in-principle comments on the planning statement.
- (b) The applicant is advised all proposed temporary traffic arrangements should comply with the latest version of “Code of Practice for Lighting, Signing, and Guarding of Road Works” issued by HyD.

Environment

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

- (a) There was no environmental complaint related to the site in the past 3 years.
- (b) The application includes 6 parking spaces for lorry cranes and the use of heavy vehicles is expected under the context of the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“the COP”). According to the COP, she does not support the application as the applied use will generate traffic of heavy vehicles and there are sensitive uses in the vicinity of the Site (i.e. a residential structure is located to its northwest) and environmental nuisance is expected (Plan A-2). If the application is approved, the applicant is advised to follow the relevant mitigation measures and requirements in the COP to minimise potential environmental impacts on the surrounding areas.

Landscape

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

- (a) No objection to the application from the landscape planning perspective.
- (b) With reference to the aerial photo, the Site is situated in an area of miscellaneous rural fringe landscape character surrounded by vehicle parks, temporary structures, open storages, village houses and scattered tree groups. The proposed use is considered not incompatible with its surrounding environment.
- (c) With reference to the site photos, the site is hard paved and in operation. Existing trees of common species and generally in fair condition are located at the periphery of the Site. According to the

application form and the Landscape and Tree Preservation Proposal, all existing trees are proposed to be preserved and the proposed use would not be in conflict with existing trees.

- (d) Since the Site is not located within landscape sensitive zoning, it is considered not necessary to impose any landscape-related condition should the Board approve the subject application. Advisory comments to the applicant are at **Appendix V**.

Drainage

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

- (a) No objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant shall provide DSD a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs.
- (c) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance at all times.
- (d) Detailed comments are at **Appendix V**.

Fire Safety

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

- (a) No objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on the following points:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if any proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Chief Building Surveyor/New Territories West, Buildings Department;
- (c) Project Manager (West), West Development Office, Civil Engineering and Development Department;
- (d) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department;
- (e) District Officer (Yuen Long), Home Affairs Department; and
- (f) Chief Engineer/Construction, Water Supplies Department.

11. Public Comment Received During Statutory Publication Period

On 14.1.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 4.2.2022, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The applicant seeks permission for temporary parking of lorry cranes for sale with ancillary maintenance workshop at the Site for a period of 3 years. The Site falls within 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. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the “R(D)” zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long term planning intention of the “R(D)” zone as there is no immediate development proposal for the Site and similar use as the current proposal has previously been approved and under operation on a temporary basis at the Site. The proposed use is also not

incompatible with the surrounding open storage and port back-up uses, vehicle parks, warehouse and workshop (**Plan A-2**).

- 12.2 The Site falls within Category 2 area under TPB-PG No. 13F. The application is in line with the guidelines in that there were previous approvals for the same uses at the Site with the last application No. A/YL-ST/535 submitted by the current applicant for the same use approved in 2019. Although DEP does not support the application in view of the sensitive receivers in the vicinity of the Site, no environmental complaint related to the Site was received by DEP in the past 3 years. Other concerned government departments including C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comments on the traffic, landscape, drainage and fire safety aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 below.
- 12.3 There have been five previously approved applications for the same lorry crane parking and maintenance workshop at the Site as detailed in paragraph 6 above. Since 2017, the Committee has approved twelve similar applications for open storage and vehicle repair workshop uses within the same “R(D)” zone. Approval of the current application is therefore in line with the previous decisions of the Committee.
- 12.4 There is no public comment on the application received during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary parking of lorry cranes for sale with ancillary maintenance workshop could be tolerated for a period of 3 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 3 years up to 4.3.2025. 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. from Mondays to Saturdays, 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) only lorry crane (vehicle length not over 7m) is allowed to access the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at all times during the planning approval period;
- (e) the submission of photographic records of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2022;
- (f) in relation to (e) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 4.9.2022;
- (h) in relation to (g) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 4.12.2022;
- (i) if any of the above planning condition (a), (b), (c), (d) 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;
- (j) if any of the above planning condition (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 V**.

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

the temporary development is not in line with the planning intention of the "R(D)" zone which is intended primarily for low-rise, low-density residential developments. There is no strong planning justification 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 applicants.

15. Attachments

Appendix I	Application form received on 7.1.2022
Appendix Ia	Planning Statement
Appendix Ib	SI received on 7.1.2022
Appendix Ic	FI received on 24.2.2022
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2022**