

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/620

<u>Applicant</u>	: Chang Ying International Limited represented by Top Bright Consultants Limited
<u>Site</u>	: Lot 156 S.B RP (Part) in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 713 m ² (including about 274 m ² of GL)
<u>Lease</u>	: Block Government Lease (demised for 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 Open Storage of Recyclable Metal with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of recyclable metal with ancillary office for a period of 3 years. According to the covering Notes of the OZP, temporary use not exceeding a period of three years may be allowed subject to planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use under Application No. A/YL-ST/546 approved on 21.6.2019.
- 1.2 The Site (in whole or in part) is the subject of eight previously approved applications for temporary open storage of recyclable metal/container vehicle park uses (**Plan A-1b**) (see paragraph 6).
- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible via a 10m-wide ingress/egress point leading to Castle Peak Road – San Tin. Majority of

the Site is used for open storage of recyclable metal including metal sheet, steel wire mesh and steel reinforcement. Four 1-storey structures (2.3m to 2.4m in height) with total gross floor area (GFA) of about 39m² comprising a site office with canopy, a staff rest room and a mobile toilet and a parking space for medium goods vehicle are provided within the Site. The operation hours are from 8:00am to 6:00pm from Monday to Saturday with no operation on Sundays and public holidays.

- 1.4 As compared to the last approved application No. A/YL-ST/546, there is no change to the use of the Site, site area, operation hours and parking provision. The current proposal has a similar site layout with addition of a staff rest room, adjustment to the location of the mobile toilet and increase in GFA by about 14.5m² (from 24.5m² to about 39m²).
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | |
|---|---------------|
| (a) Application Form received on 5.5.2022 | (Appendix I) |
| (b) Supplementary Planning Statement | (Appendix Ia) |
| (c) Further Information (FI) received on 15.6.2022
clarifying the types of recyclable metal for storage on
site # | (Appendix Ib) |
- # exempted from publication requirement

2. **Justifications from the Applicant**

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

- (a) Approval of the development would not contravene the long-term planning intention of the Site. Though the Site is zoned “R(D)”, it falls within Category 2 areas under the Town Planning Board Guidelines No. 13F and there is a shortage of suitable site for open storage and port back-up uses. The owner of the Site has no plan for any residential development on-site. The temporary use under application is considered appropriate and can be approved until there is a change in local circumstances.
- (b) The applied use is compatible with surrounding areas which are predominantly open storage yards, cargo handling and forwarding facilities and logistics centre.
- (c) The Board had previously approved the same applied use at the Site. All approval conditions of these previous planning permissions had been complied with. Favourable consideration may be given by the Board to this application as it is anticipated that there is no change in local circumstances in the foreseeable future.
- (d) The recyclable metal refers to metal scrap including metal sheet, steel wire mesh and metal reinforcement etc. The applied use is highly in need and can contribute to the recycling industry in Hong Kong.

- (e) The development will only generate about one or two trips per day which is the same as the previously approved application (No. A/YL-ST/546). It will not cause any adverse environmental and traffic impacts to the surrounding areas.

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. 31A) by posting site notice and sending notice to San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL, the “owner’s consent/notification” requirements are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F)’ are relevant to the application. Relevant extract of the Guidelines are at **Appendix II**.

5. Background

The Site is not subject to active planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of nine previous applications for temporary container vehicle park (Application No. A/YL-ST/84, 96 and 165), temporary sales office for container tractors (Application No. A/YL-ST/228) or temporary open storage for recyclable metal uses (Application No. 260, 335, 389, 454 and 546) (**Plan A-1b**). All except application No. A/YL-ST/165 were approved by the Committee. While the last application No. A/YL-ST/546 was submitted by the current applicant, the other applicants were submitted by different applicants.
- 6.2 Among the previously approved applications, five applications (Nos. A/YL-ST/260, 335, 389, 454 and 546) were for the same open storage of recyclable metal uses. Applications No. A/YL-ST/260, 335 and 389 were approved by the Committee on the considerations that the proposed developments were considered not incompatible with the surrounding land uses and the concerns of government departments could be addressed by imposing approval conditions. Application No. A/YL-ST/454 submitted by a different applicant and Application No. A/YL-ST/546 submitted by the current applicant for the same applied use were approved by the Committee on similar considerations. All approval conditions for last two cases including, inters alias, the

provision of fire extinguishers, submission of as-built drainage plan and photographic records of the existing drainage facilities, submission and implementation of fire services installations (FSIs) and tree preservation proposal (for No. A/YL-ST/454) had been complied with. The planning permission for the last application No. A/YL-ST/546 lapsed on 22.6.2022.

6.3 Details of these applications are summarised at **Appendix II**.

7. Similar Applications

7.1 During the past five years, there are three similar applications (No. A/YL-ST/511, 528 and 551) (**Plan A-1a**) for temporary open storage and retail shop of vehicle parts and accessories, second hand motor vehicles and construction machinery within the same “R(D)” zone on the OZP which were approved by the Committee on the considerations that approval on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone and the developments were not incompatible with the surrounding land uses.

7.2 Details of these applications are summarised at **Appendix II**.

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

8.1 The Site is:

- (a) accessible at the north of the Site via a local track leading to Castle Peak Road – San Tin; and
- (b) currently used for the applied use under Application No. A/YL-ST/546.

8.2 The surrounding areas are predominantly logistics facilities, open storage yards and vehicle parks:

- (a) to its north and northwest across Castle Peak Road – San Tin are an open storage yard of construction materials and vehicle parts, a cargo handling and forwarding facilities and open storage yard and a logistic centre with ancillary container vehicle park, vehicle repair workshop and car beauty service;
- (b) to its west are open storage yards of vehicles and lorry cranes and warehouse and parking of container vehicles and goods vehicles;
- (c) to its south are a cycle track, San Tin Highway and Shek Wu Wai Road; and
- (d) to its east is a grassland.

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 departments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

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

Environment

10.2.1 Comment of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint related to the Site in the past three years.
- (b) The application includes 1 parking space for medium goods vehicles and the use of heavy vehicle is expected under the context of the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“the COP”). ~~She does not support the application as the applied use will generate traffic of heavy vehicles and environmental nuisance is expected.~~ 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.

11. Public Comment Received During Statutory Publication Period

On 13.5.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 4.6.2022, two public comments from two individuals were received raising objection/concern on the application on the grounds that the development will result in traffic congestion, environmental pollution and increasing fire risk which will affect the safety and living quality of the local residents and continuation of the applied use at the Site.

12. Planning Considerations and Assessments

- 12.1 The applicant seeks planning permission for temporary open storage of recyclable metal with ancillary office at the Site for a period of 3 years. The Site falls within “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 applied use is also not incompatible with the surrounding open storage yards, warehouse, logistics/cargo handling and forwarding facilities and vehicle parks (**Plan A-2**).
- 12.2 The application is in line with the TPB PG-No. 13F in that the Site falls within the Category 2 areas. There were previous planning approvals for temporary open storage yards or container vehicle parks at the Site with the last application No. A/YL-ST/546 submitted by the current applicant for the same use approved by the Committee in 2019. All approval conditions of the last application have been complied with and the permission lapsed on 22.6.2022. ~~Although DEP does not support the application as environmental nuisance is expected from the heavy vehicle at the Site, no~~ No environmental complaint related to the Site was received by DEP in the past three years. According to the applicant, the development will generate about one or two trips daily at the Site, it is noted that C for T has no adverse comment on the application in this regard. Other concerned government departments including CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comment on the landscape, drainage and fire safety aspects respectively (**Appendix IV**), and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 below. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary uses and Open Storage Sites”.
- 12.3 There have been five previously approved applications for the same temporary open storage of recyclable materials with ancillary office use at the Site as detailed in paragraph 6 above. Since 2017, the Committee has approved three similar applications for open storage and retail shop of vehicle-related business and construction machinery within the same “R(D)” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.4 Regarding the two public comments as detailed in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary open storage of recyclable metal with ancillary office 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 until 24.6.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 8:00 a.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 dismantling, repairing, cleansing or any other workshop activities shall be carried out on 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 any time 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 Town Planning Board by 24.9.2022;
- (f) in relation to (e) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 5.8.2022;
- (h) the submission of 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 24.12.2022;
- (i) in relation to (h) above, the implementation of 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 24.3.2023;
- (j) if any of the above planning conditions (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; and

- (k) if any of the above planning conditions (e), (g), (h) or (i) 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 for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and is also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There is no strong 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 applicant.

15. Attachments

Appendix I	Application Form received on 5.5.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 15.6.2022
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments

Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**