

RNTPC Paper No. A/YL-ST/635
For Consideration by the
Rural and New Town
Planning Committee
on 13.1.2023

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

APPLICATION NO. A/YL-ST/635

<u>Applicant</u>	: Master Universe Development Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 6,881 m ² (including about 61 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>	: “Undetermined” (“U”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary container vehicle park, open storage of containers and public car park for a period of 3 years (**Plan A-1a**). According to the Notes for the “U” zone of the OZP, any use or development in the “U” zone, except those specified as always permitted under the notes, requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied uses with planning permission under application No. A/YL-ST/563 valid until 28.1.2023.
- 1.2 The Site (in whole or in part) is subject to nine previous applications mainly for temporary container vehicle park and open storage of containers uses (**Plan A-1b**). The last application (No. A/YL-ST/563) submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee

(the Committee) on 17.1.2020 for a period of 3 years from 29.1.2020 to 28.1.2023. All approval conditions had been complied with. The current application is same as the last approved application in terms of applied use, site area/boundary, floor area, number of structures and site layout.

- 1.3 According to the layout plan (**Drawing A-1**), there is one single-storey structure (2.6m in height) with a total gross floor area of about 37.16m² for ancillary office. 36 private car parking spaces and 8 container trailer/tractor parking spaces are provided within the Site. The operation hours of parking of private cars and open storage of containers are 24 hours daily and the operation hours of parking of container vehicles and handling/loading/unloading of containers are from 7:00 a.m. to 11:00 p.m. daily. As shown on **Plans A-2 and A-3**, the Site is accessible to Lok Ma Chau Road via a local access to the southeast of the Site.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form and supplementary information received (**Appendix I**) on 21.11.2022
 - (b) Planning Statement (**Appendix Ia**)

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 Ia**. They can be summarised as follows:

- (a) The Site was granted planning permissions for similar and same uses under 9 previous planning applications. All approval conditions of the last Application No. A/YL-ST/563 had been complied with. The parking facilities and the site conditions remain the same as the condition approved under previous application. No additional traffic, drainage and environmental impacts are anticipated. Without major change in planning circumstances, the applied use should be allowed to continue at the Site.
- (b) There were some applications for similar uses within the subject “U” zone or other zones in the vicinity recently approved by the Board. The granting of these permissions revealed that the proposed development is considered not unsuitable for the Site.
- (c) The subject “U” zone is for the Spur Line and the Northern Link railway system. The remaining land of the subject “U” zone is under review, approval of the applied use on a temporary basis will not prejudice the future long term planning of the area. The development would not contravene the planning intention.

- (d) The Site is located in close proximity to the boundary area, which has been well established for port back-up and open storage activities since the late 1980s. The Site is close to strategic road networks and is only about 350 m away from the Lok Ma Chau Boundary Crossing. Many sites near the Lok Ma Chau Control Point have been converted to container vehicle parks and other port back-up uses to meet the high demand for cross-boundary activities in Lok Ma Chau. The applied development is suitable for the Site.
- (e) The applied uses are considered compatible with the surrounding areas which have been used for parking facilities and port back-up uses.

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 GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C), ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) and ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site (in whole or in part) is involved in nine previous applications for container vehicle park and open storage of containers uses which were all approved (**Plan A-1b**), of which three were approved by the Committee/the Board on review for a period of 3 years between 1993 and 2000 mainly on the grounds that the applied uses were not incompatible with the surrounding land

uses; there being no adverse impacts and concerns of government departments could be addressed by imposing approval conditions.

- 6.2 The latest six previous applications submitted by the same applicant for the same use as the applied use were approved with conditions by the Committee/the Board on review between 2004 and 2020 for temporary periods of 3 years mainly on similar grounds as stated in para. 6.1 above. All approval conditions of the last approved application No. A/YL-ST/563 have been complied with.
- 6.3 Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 During the past five years since 2018, there are nine similar applications for container vehicle park and open storage of containers uses within the same “U” zone on the OZP which were all approved by the Committee on similar grounds as stated in para. 6.1 above (**Plan A-1a**).
- 7.2 Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

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

- 8.1 The Site is:
 - (a) accessible at the southeast via a local access from Lok Ma Chau Road;
 - (b) paved and fenced off;
 - (c) located within the Wetland Buffer Area (WBA) of Deep Bay Area; and
 - (d) currently used for the applied use with valid planning permission under application No. A/YL-ST/563 until 28.1.2023.
- 8.2 The surrounding areas are predominated by open storage yards, vehicle parks and grass land:
 - (a) to its north across a nullah are a vehicle repair workshop and a public vehicle park approved under application No. A/YL-ST/568. To its further north are car parks, an open storage of construction materials approved under application No. A/YL-ST/580 and grass land;

- (b) to its south and southwest across the Lok Ma Chau Spur Line are grass land and a car park under application No. A/YL-ST/588; and
- (c) to its immediate east is an open storage of construction machinery. To its further east and northeast across Lok Ma Chau Road are a grass land, a plant nursery and vacant residential structures.

9. Planning Intention

The area zoned “U” is for the Lok Ma Chau Spur Line and the proposed Northern Link railway system. Under the “U” zone, any developments or redevelopments, except those permitted under the covering Notes of the OZP, require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, Government, Institution or Community (GIC) facilities, open space would be adequately provided.

10. Comments from Relevant Government Departments

All 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.

11. Public Comment Received During Statutory Publication Period

On 29.11.2022, the application was published for public comments. During the statutory publication period, one public comment was received objecting to the application on the grounds that the development will result in adverse traffic impact, environmental pollution and increase in fire risk, thereby affecting the living quality and safety of the community (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary container vehicle park, open storage of containers and public car park under Application No. A/YL-ST/563 for a further period of 3 years. The Site falls within “U” zone on the OZP for the Lok Ma Chau Spur Line and the proposed Northern Link railway system. CE/RD2-2, RDO, HyD has no objection to the temporary application from railway development viewpoint. The applied temporary use will not jeopardise the long-term land uses of the areas and is considered not incompatible with the surrounding land uses which include vehicle parks and open storage.

- 12.2 The Site falls within the WBA of the TPB PG-No.12C and the Guidelines specify that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. DAFC has no adverse comment on the application.
- 12.3 The application is in line with the TPB PG No. 13F in that the Site falls within the Category 1 areas. There have been nine previous approvals for container vehicle park and open storage of containers since 1993 and the applicant complied with all the approval conditions under previously approved applications. Since the last approval, there has been no major change in planning circumstances and adverse planning implications arising from the renewal of the planning approval are not expected. Concerned government departments including C for T, DEP, CE/MN, DSD and D of FS have no adverse comments on traffic, environmental, drainage and fire safety aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 below.
- 12.4 The renewal application is generally in line with the TPB PG-No. 34D in that there has been no major change in planning circumstances, adverse planning implications arising from the renewal of the planning approval are not envisaged, all the approval conditions under the previous approval had been complied with, and the 3-year approval period sought is the same as the previous application.
- 12.5 Since 2018, the Committee has approved nine similar applications for temporary container vehicle park and open storage of containers within the same “U” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 One public comment was received during the statutory application period objecting to the application as stated in paragraph 11 above. In this regard, relevant departments’ comments as well as the planning assessments and considerations stated 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 comment in paragraph 11, the Planning Department considers that the applied use could be tolerated for a further 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 and be renewed from 29.1.2023 to 28.1.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m. for container vehicles and handling/loading/unloading of containers, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (e) the containers stacked within 5m of the periphery shall not exceed the height of the boundary fence at any time during the planning approval period;
- (f) the stacking height of containers stored at any other location within the Site shall not exceed 8 units at any time during the planning approval period;
- (g) the maintenance of paving and boundary fencing on the Site at all times during the planning approval period;
- (h) 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 29.7.2023;
- (i) in relation to (g) 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 29.10.2023;
- (j) 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 29.4.2023;
- (k) in relation to (j) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (l) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (k) 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

- (m) if any of the above planning condition (h), (i) or (j) 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.

[The above approval conditions are similar to those under the last approved Application No. A/YL-ST/563, except on deletion of the provision of fire extinguisher based on the comments of D of FS.]

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 continued occupation of the Site for the applied use is not in line with the planning intention of the "U" zone which is for the Spur Line and the proposed Northern Link railway system. 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 renewal of the planning permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form and supplementary information received on 21.11.2022
Appendix Ia	Planning statement
Appendix II	Relevant Extracts of TPB PG-No. 12C, 13F and 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments

Appendix V	Recommended advisory clauses
Appendix VI	Public Comment
Drawing A-1	Layout plan
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
JANUARY 2023**