

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

APPLICATION NO. A/YL-ST/644

<u>Applicant</u>	: Fu Hop Yick Company Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lots 253, 254, 255, 256, 257, 258, 259, 260, 261 (Part), 262 (Part), 264 (Part), 265, 266, 267, 268, 270, 279 S.B RP (Part), 280 and 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 18,808 m ² (including GL of about 1,248 m ²)
<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 Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen), storage of metal ware and construction material, and cargo handling and forwarding facilities for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “U” on the approved San Tin OZP No. S/YL-ST/8. According to the Notes of the OZP, all uses or developments in the “U” zone, except those specified as always permitted under the covering Notes, requires planning permission from the Town Planning Board (the Board). The

Site is paved and currently used for the applied use under the approved planning application No. A/YL-ST/568 valid until 25.5.2023.

- 1.2 The Site (in whole or in part) is subject to 11 previous applications mainly for container vehicle parks and/or open storage of containers or storage uses (**Plan A-1b**). The last application (No. A/YL-ST/568) submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 25.6.2020 for a period of 3 years. 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 As shown on **Plans A-2**, the Site is accessible from Lok Ma Chau Road via a local access. **Drawing A-1** shows the layout plan of the proposed development. Ingress/egress (about 10m in width) to the Site is provided at the eastern site boundary. There will be 14 structures (one to two storeys, 2.6 m to 7.62 m in height) with a gross floor area of about 2945.4 m² for type repair area, canteen, site office, and storage uses. The applied public vehicle park will provide a total of 45 private car parking spaces, 7 heavy goods vehicle parking spaces and 18 container vehicle parking spaces. The applied development will be operated 24 hours daily including public holiday except for the parking of container vehicles and heavy goods vehicles which will be operated from 7:00 a.m. to 11:00 p.m. daily including public holidays.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 22.3.2023 (Appendix I)
 - (b) Planning Statement (Appendix Ia)
 - (c) Further Information (FI) received on 21.4.2023 and 25.4.2023* (Appendix Ib)
 - (d) FI received on 3.5.2023* (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 Ia**. They can be summarised as follows:

- (a) The Site was granted with planning permissions for similar or same uses under 11 previous planning applications. The use, layout, parking facilities, and site conditions under the current application would be identical to those under the last Application No. A/YL-ST/568. All approval conditions of the last application had been complied with.

- (b) There are planning permissions for similar temporary vehicle parks and other port back-up uses in San Tin. No additional traffic, drainage and environmental impacts are anticipated.
- (c) The subject “U” zone is reserved for the Spur Line and the proposed Northern Link (NOL) railway system. Since relevant land had been resumed and cleared and the remaining land of the subject zone is under review, approval for the applied use on the Site on a temporary basis will not prejudice the long term planning of the area.
- (d) The Site is located close to strategic road networks and is only about 350 m away from the Lok Ma Chau Border Crossing. In fact, many sites near the Lok Ma Chau Control Point have been converted to container vehicle parks and other relevant port back-up uses to meet the high demand for the cross-border activities in Lok Ma Chau. The applied use is therefore suitable for the Site and compatible with the surrounding uses in the area.

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. 13G) 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 active planning enforcement action.

6. Previous Applications

- 6.1 The Site (in whole or in part) is the subject of 11 previous applications for temporary container vehicle park with or without storage uses and/or cargo handling and forwarding facilities which were all approved by the Committee. Amongst them,

four were approved with conditions by the Committee between 1993 and 1999 mainly on the grounds that the developments were not incompatible with the surrounding land uses; and the concerns of government departments could be addressed by imposing approval conditions.

- 6.2 The remaining seven applications submitted by the same applicant as the current one for similar applied use were approved with conditions by the Committee between 2003 and 2020 for temporary periods of 3 years mainly on similar grounds as stated in paragraph 6.1 above. However, two planning permissions (Applications No. A/YL-ST/239 and 316) were revoked in 2006 and 2007 respectively due to non-compliance with approval conditions. All approval conditions of the last approved application (No. A/YL-ST/568) had been complied with.
- 6.3 Details of the applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 During the past five years, there was 11 similar application for temporary public vehicle park and/or open storage uses within the same “U” zone on the OZP which were all approved by the Committee mainly on similar grounds as stated in paragraph 6.1 above.
- 7.2 Details of the similar applications are summarised at **Appendix III**. Their location are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible at the southeast of the Site via a local access from Lok Ma Chau Road;
 - (b) currently paved and used for the applied use with valid planning permission under Application No. A/YL-ST/568 until 25.5.2023; and
 - (c) located within the Wetland Buffer Area (WBA) of Deep Bay Area.
- 8.2 The surrounding areas are rural in character predominated by open storage yards, vehicle parks and woodland:
- (a) to its north is a knoll zoned “GB”;
 - (b) to its immediate northeast and east are vehicle parks and/or open storage yards under approved Application No. A/YL-ST/580 and 581. To its further east across Lok Ma Chau Road is a plant nursery and a construction site.

- (c) to its south across a nullah are a vehicle park and a open storage yard under approved Application No. A/YL-ST/635. To its further south and southwest across the East Rail Line is San Sham Road; and
- (d) to its immediate west is a pond.

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 31.3.2023, the application was published for public comment. During the statutory publication period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen), storage of metal ware and construction material, and cargo handling and forwarding facilities for a 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/RD2-1, 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 yards.
- 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. 13G in that the Site falls within the

Category 1 areas. There have been 11 previous approvals for the same or similar uses since 1993 and the applicant complied with all the approval conditions under the last approved application. 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. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate any potential environmental impacts on the surrounding areas.

- 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 During the past five years, the Committee has approved 11 similar applications for temporary public vehicle park and/or open storage uses within the same “U” zone on the OZP as detailed in paragraph 7 above. Approval of the current application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, 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 26.5.2023 to 25.5.2026. 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 parking of container vehicles and heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (d) the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (e) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b) (c), (d) or (e) 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
- (g) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[The above approval conditions are similar to those under the last approved Application No. A/YL-ST/568 except those on deletion of the maintenance of the paving and boundary fencing, the submission of photographic records of the existing drainage facilities and the submission and implementation of fire service installations proposal, and the addition of maintenance of the existing fire service installations on the site based on the latest comments of CE/MN of DSD and D of FS and latest requirement of Planning Department.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong 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

Appendix I	Application form received on 22.3.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 21.4.2023 and 25.4.2023

Appendix Ic	FI received on 3.5.2023
Appendix II	Relevant Extracts of TPB PG-No. 12C, 13G and 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
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-4a to 4c	Site photos

**PLANNING DEPARTMENT
MAY 2023**