

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/647

<u>Applicant</u>	: Top Source Industries Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lot 244 S.B RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 1,237.16 m ² (including about 133.61 m ² of GL (about 10.8% of the application site))
<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>	: Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials for a period of three years at the application site (the Site) which is zoned “U” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1a**). According to the covering Notes of the OZP, all uses or developments in the “U” zone, except those specified as always permitted under the covering Notes, require planning permission from the Town Planning Board (the Board/TPB). The Site is paved and currently used for temporary public vehicle park (PVP) (excluding container vehicle) submitted by a different applicant under Application No. A/YL-ST/581 with planning permission valid until 23.1.2024.
- 1.2 The Site (in whole or in part) is subject to nine previous applications as detailed in paragraph 5 below.
- 1.3 The proposed development involves one single-storey structure (not more than 4 m in height) with a total gross floor area (GFA) of about 40 m² for site office use.

Three private car parking spaces and one heavy goods vehicle loading/unloading (L/UL) space will be provided. The proposed open storage of construction material will be operated 24 hours daily including public holidays. Notwithstanding, L/UL activities will only be carried out from 8:00 a.m. to 8:00 p.m. from Monday to Saturday and no L/UL activities will be carried out on Sundays and public holidays. Existing landscape and trees within the Site will be maintained by the applicant. The Site is accessible from its northeast off Lok Ma Chau Road through an ingress/egress (about 7 m wide) provided at its northeastern Site boundary (**Plan A-2**). **Drawing A-1** shows the layout plan of the proposed development.

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

- (a) Application Form received on 26.4.2023 (Appendix I)
- (b) Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 14.6.2023* (Appendix Ib)
- (d) FI received on 3.7.2023* (Appendix Ic)

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

1.5 On 23.6.2023, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer a decision on the application for one month as requested by the applicant to allow time for the applicant to address departmental comments.

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 same open storage of construction materials use under three previous planning applications. The last application No. A/YL-ST/581 was approved for temporary PVP (excluding container vehicle) with all approval conditions complied with. Also, there are planning permissions for similar temporary port back-up uses in the surrounding “U” zone on the San Tin OZP.
- (b) The “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 “U” zone is under review, approval for the proposed use on the Site on a temporary basis will not prejudice the long term planning of the area.
- (c) The Site is designated as Category 1 area under the TPB Guideline No. 13G for ‘Application for Open Storage and Port Back-Up Uses’ (TPB PG-No. 13G) which is considered suitable for open storage and port back-up uses. Favourable

consideration can be given to the application. The applicant is willing to comply with the planning conditions imposed.

- (d) The proposed use is considered compatible with the surrounding areas in Lok Ma Chau and San Tin which have been used for parking facilities, open storage, cross boundary transportation services and port back-up uses.
- (e) The Site has been previously operated as temporary open storage of construction materials and temporary public vehicle park. No additional traffic, drainage and environmental impacts are anticipated.

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

5. Background

The Site is not subject to planning enforcement action.

6. Previous Application

- 6.1 The Site (in whole or in part) is the subject of nine previous applications mainly for temporary container trailer/tractor park and open storage of construction materials or public vehicle park uses. Amongst them, one previous application No. A/YL-ST/155 for temporary open storage was rejected by the Committee in 2000 mainly for the reasons that there was insufficient information to demonstrate that the development would not have adverse landscape and drainage impacts on the surrounding areas.
- 6.2 The remaining eight previous applications mainly for temporary container trailer/tractor park and open storage of construction materials or temporary PVP were all approved with conditions by the Committee between 2001 and 2021 mainly on the considerations that the development would not affect the NOL Spur

Line project; the technical concerns could be addressed through approval conditions; the development was in line with the then TPB-PG No. 13D, 13E or 13F; and the proposed development was not incompatible with the surrounding land use. However, two planning permissions (Applications No. A/YL-ST/180 and 323) were revoked in 2002 and 2009 respectively due to non-compliance with approval conditions. All approval conditions of the last approved application No. A/YL-ST/581 have been complied with.

- 6.3 Details of the previous applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 During the past five years, there were seven similar applications for temporary open storage use within the same “U” zone on the OZP which were all approved with conditions by the Committee mainly on the considerations that the development would not jeopardise the long-term land uses of the areas; it was considered not incompatible with the surrounding land uses; and concerned government departments had no adverse comments on technical aspects.
- 7.2 Details of the similar applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible at its northeast off Lok Ma Chau Road;
 - (b) fenced off and currently used for PVP (excluding container vehicle) with valid planning permission under Application No. A/YL-ST/581 until 23.1.2024; 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 area:
- (a) to its immediate northwest is a knoll zoned “Green Belt”;
 - (b) to its east across Lok Ma Chau Road are open storage yards, a site under construction, a plant nursery, woodland and graves; and
 - (c) to its southwest and south are a PVP under approved Application No. A/YL-ST/644, an open storage yard for construction materials with workshop and a car park.

9. Planning Intention

The planning intention of the “U” zone is for the Lok Ma Chau Spur Line and the proposed NOL 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 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 5.5.2023, the application was published for public inspection. During the statutory publication period, one public comment was received from Rural Representative of Lok Ma Chau Tsuen raising concerns that there are insufficient transport infrastructure to serve the locality in view of the development of Lok Ma Chau Loop (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for proposed open storage of construction materials for a period of three years. The Site falls within the “U” zone on the OZP for the Lok Ma Chau Spur Line and the proposed NOL railway system. CE/RD2-1, RDO, HyD has no adverse comment to the temporary application from railway development viewpoint. The proposed 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 comment on the application from nature conservation point of view.

12.3 The application is in line with the TPB PG No. 13G in that the Site falls within the Category 1 areas, which are considered suitable for open storage and port back-up uses. Concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) have no objection to or no adverse comment on traffic, environmental, fire safety and drainage aspects respectively. Should the application be approved, technical requirements of D of FS and CE/MN of DSD are suggested to be imposed through approval conditions in paragraphs 13.2 below.

- 12.4 As detailed in paragraphs 6 and 7 above, the Site is the subject of eight approved previous applications for temporary container trailer/tractor park and open storage of construction materials or temporary PVP, and the Committee has approved seven previous application for open storage use within the same “U” zone on the OZP. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 Regarding the public comment on the application as detailed 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 taking into account the public comment 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 until 25.8.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) 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 6.10.2023;
- (c) 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 25.2.2024;
- (d) in relation to (c) 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 25.5.2024;
- (e) the submission of 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 25.11.2023;
- (f) in relation to (e) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) if the above planning condition (a) 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

- (h) if any of the above planning condition (b), (c), (d) or (e) 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 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 with attachments received on 26.4.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 14.6.2023
Appendix Ic	FI received on 3.7.2023
Appendix II	Relevant Extracts of TPB PG-No. 12C and 13G
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-4a and 4b

Site photos

**PLANNING DEPARTMENT
AUGUST 2023**