

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/660

- Applicant** : Top Source Industries Limited represented by Lanbase Surveyors Limited
- Site** : Lots 244 S.B RP (Part), 252 RP (Part), 253 (Part), 254 (Part), 258 (Part), 266 (Part) and 270 in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 2,216m² (including about 24m² of GL (about 1.08%))
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Undetermined” (“U”)
- Application** : 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). The Site is fenced off, paved and currently vacant.
- 1.2 According to the applicant, four single-storey structures (2.6m to 3.7m in height) for ancillary site office and storage with a gross floor area (GFA) of about 96.52m² will be provided near the site entrance. The open area in the southern part of the Site (about 630m²) is proposed for open storage of construction materials. Three private car parking spaces and three loading/unloading (L/UL) spaces for heavy goods vehicles (HGV) will be provided near the proposed open storage area (**Drawing A-1**). The Site is accessible from Lok Ma Chau Road via a local access (**Plan A-2**). Ingress/egress (minimum 6m in width) to the Site is provided at the northeastern site boundary. The proposed use will be operated 24 hours daily from Monday to Sunday and public holidays except that the L/UL activities will be carried out from 8:00 a.m. to 8:00 p.m. from Monday to Saturday and there would be no L/UL activities on Sundays and public holidays. The existing landscape and 42 trees, drainage facilities and fire service installations implemented under the previous application (No. A/YL-ST/530) will continue to be maintained by the applicant in the current application.

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

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| (a) Application Form received on 29.8.2023 | (Appendix I) |
| (b) Planning Statement | (Appendix Ia) |
| (c) Further Information (FI) received on 16.10.2023 and 17.10.2023 # | (Appendix Ib) |
| (d) FI received on 8.11.2023 # | (Appendix Ic) |
| (e) FI received on 14.11.2023 # | (Appendix Id) |
| (f) FI received on 6.12.2023 and 7.12.2023 # | (Appendix Ie) |

exempted from the publication requirement

1.4 On 27.10.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer a decision on the application for two months.

2. **Justifications from the Applicant**

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

- (a) The Site was granted with planning permissions for temporary public vehicle park (PVP) for container vehicles, container trailers and private cars under previous planning applications, in which an open storage of containers was also included under Application No. A/YL-ST/11. The last application No. A/YL-ST/530 was approved for temporary PVP for private cars 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. The proposed temporary open storage of construction materials is considered suitable at the Site.
- (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 Town Planning Board Guidelines 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 will continue to maintain the existing on-site landscape and tree planting, drainage facilities and fire service installations implemented under the previous application No. A/YL-ST/530. About 1.5m buffer distance from the existing trees to the proposed temporary structures, car parking spaces and open storage area would be provided for avoiding potential impact to the trees.
- (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. The Site has also been previously operated as temporary PVP and relevant port back-up uses. 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**

5.1 The Northern Metropolis Development Strategy released in 2021 put forward the proposal for San Tin Technopole, which covers the Hong Kong-Shenzhen Innovation and Technology Park under construction at the Lok Ma Chau Loop and the San Tin/Lok Ma Chau area. According to the Recommended Outline Development Plan for the San Tin Technopole (the Technopole) (**Plan A-1c**) which was published for public engagement exercise in June 2023, the Site is included in the boundary of the Technopole designated for ‘Innovation and Technology’ use and ‘Road’. According to the estimated programme, site formation works would tentatively target to commence in Q4 2024.

5.2 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 eight previous applications for PVP for container vehicles, container trailers and private cars, with one application (No. A/YL-ST/11) which also included open storage of containers (**Plan A-1b**). Amongst which, five applications (Nos. A/YL-ST/324, 346, 394, 444 and 530) were submitted by the same applicant.

6.2 All the applications were approved with conditions by the Committee on a temporary basis for a period of 3 years between 1993 and 2018, except No. A/YL-ST/324 which was approved for a period of 8 months to avoid additional traffic loading on Lok Ma Chau Road upon opening of the Lok Ma Chau Spur Line Public Transport Interchange. The main considerations were that the development was considered not incompatible with the surrounding land uses; the site was in proximity to the Lok Ma Chau Border Crossing; the development could help alleviate the shortfall of park-and-ride facilities in the area; and it could satisfy some of the parking demand from local villagers and cross-boundary travellers. All approval conditions of the last application No. A/YL-ST/530 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 eight 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, paved and currently vacant; and
 - (c) located within the Wetland Buffer Area (WBA) of Deep Bay Area.
- 8.2 The surrounding areas are predominantly occupied by open storage of construction materials, parking of vehicles, warehouse, workshops which are covered by valid planning permissions, and woodland (**Plan A-2**).

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

- 10.1 Apart from the Government department as set out in paragraph 10.1.1 below, other 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.

Project Interface

10.1.1 Comments from the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

The Site is within the proposed boundary of the Technopole. According to the latest tentative development programme of the Technopole, it is targeted to commence the works in phases tentatively by 2024 after the Financial Committee funding approval. Therefore, the Site, within the boundary of the Technopole, will probably be required for timely clearance and construction.

11. Public Comment Received During Statutory Publication Period

On 5.9.2023, 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 proposed temporary 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. Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department has no adverse comment on the temporary application from railway development viewpoint. Besides, PM(N), CEDD advises that as the Site falls within the boundary of Technopole, it will be required for timely clearance and construction upon approval of funding for the relevant works tentatively by 2024. Should the application be approved by the Board, relevant advisory clause will be recommended to remind the applicant that the Site may be resumed by the Government and that the proposed use may be terminated at any time during the planning approval period for implementation of imminent government projects.
- 12.2 The proposed temporary use is considered not incompatible with the surrounding land uses which include vehicle parks and open storage yards (**Plan A-2**). Besides, all the existing landscape and 42 trees within the Site will be maintained. Chief Town Planner/Urban Design and Landscape, Planning Department has no objection to the application from landscape planning perspective.
- 12.3 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. Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 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, 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, DSD are suggested to be imposed through approval conditions in paragraphs 13.2 below.

- 12.5 As detailed in paragraphs 6 and 7 above, the Site is the subject of eight approved previous applications for temporary PVP with one proposal including open storage use, and the Committee has approved eight 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.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12, 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 22.12.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no loading/unloading activities between 8.00 p.m. and 8:00 a.m. from Monday to Saturday, as proposed by the applicant, are allowed on the Site during the planning approval period;
- (b) no loading/unloading activities on Sunday and public holidays, as proposed by the applicant, are allowed on the Site 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 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 2.2.2024;
- (e) 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 to the Town Planning Board by 22.6.2024;
- (f) in relation to (e) 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 to the Town Planning Board by 22.9.2024;
- (g) 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 22.3.2024;
- (h) in relation to (g) above, the existing drainage facilities shall be maintained at all times during the planning approval period;

- (i) if any of the above planning conditions (a), (b), (c) or (h) 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
- (j) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately 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 received on 29.8.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 16.10.2023 and 17.10.2023
Appendix Ic	FI received on 8.11.2023
Appendix Id	FI received on 14.11.2023
Appendix Ie	FI received on 6.12.2023 and 7.12.2023
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
Drawing A-1	Proposed Layout Plan
Plans A-1a and A-1b	Location Plan
Plan A-1c	Application Site and Land Use Proposal of San Tin Technopole
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos