

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/665

<u>Applicant</u>	:	Yat Chun Expand Limited represented by Top Bright Consultants Limited
<u>Site</u>	:	Lots 204 RP (Part), 205, 206 RP (Part), 207 to 209, 210 (Part), 211 (Part), 212 (Part), 213 RP, 214 RP (Part), 215 RP (Part), 353 (Part), 354 (Part), 355, 356 (Part), 357 (Part), 358 (Part), 359 (Part), 360 and 2 House Lot Blocks (HL-YL HLB) in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	:	18,710m ² (about) (including about 840m ² of GL (about 4.9%))
<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 Cargo Handling and Forwarding Facilities and Warehouse for Cold Storage with Ancillary Facilities (Site Office, Staff Rest Room and Washroom) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary cargo handling and forwarding facilities and warehouse for cold storage with ancillary facilities (site office, staff rest room and washroom) for a period of three years at the application site (the Site) which is zoned “R(D)” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is paved and fenced off, and is currently used for the applied uses without valid planning permission.
- 1.2 The development involves a total of 23 structures (2.5m to 8m in height) with a gross floor area (GFA) of about 11,324m² for cargo handling and forwarding facilities, warehouse for cold storage¹, rain shelter, site office, meter room, kennel, washroom, fire services pump room, shelter for loading/unloading or parking, container for storage and staff rest room. Four loading/unloading (L/UL) bays for container/medium goods vehicles and eight private car parking spaces for staff and visitors will be provided within

¹ The applicant explains that the warehouse for cold storage is part of the cargo handling and forwarding facilities as the warehouse provides logistics support through storing goods with constant temperature and air-conditioning facilities to ensure the quality of the goods.

the Site (**Drawing A-1**). The Site is accessible at its south through an ingress/egress of 10m in width from Castle Peak Road – San Tin. The operation hours are from 7:00 am to 11:00 p.m. from Monday to Saturday with no operation on Sunday and public holidays. The existing trees will continue to be maintained by the applicant.

- 1.3 The Site (in whole or in part) is the subject of 14 previous applications. Compared with the last approved application (No. A/YL-ST/607), which was submitted by a different applicant, the current application is generally the same in terms of site area/boundary, layout and major development parameters, except the addition of warehouse of cold storage as part of the applied uses and minor reduction in GFA.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|---|----------------------|
| (a) | Application Form received on 12.12.2023 | (Appendix I) |
| (b) | Supplementary 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 Supplementary Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) Cargo handling and forwarding facilities near the Lok Ma Chau boundary are in great demand. Given the Site's proximity to the Mainland via Lok Ma Chau Control Point, it is a preferable location for storage, transfer and redistribution of goods. The application is fully compatible with the surrounding areas characterised by open storage and port back-up uses.
- (b) The Site is the subject of previous approvals with similar nature of uses. The nature of current application in terms of use and approval period is generally the same as the last approved Application No. A/YL-ST/607. The applicant commits to implement the drainage proposal approved under the previous application and the submitted fire services installations under the current application.
- (c) Approval of the applied use would neither contravene the planning intention nor violate 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. 13G) as the area falls within a Category 2 area and is considered tolerable for the development of open storage and port back-up uses on a temporary basis. The long-term planning intention of San Tin Technopole (the Technopole) would not be jeopardized as the applied uses are temporary in nature.
- (d) No adverse environmental, drainage and traffic impacts are anticipated. Proper environmental mitigation measures have been adopted to reduce adverse air and noise impacts. The applied uses will not generate adverse traffic impact on the existing traffic network in the area. The application would not affect the drainage improvement works in Northern New Territories.

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. 31B)

by notifying the concerned land owners through newspaper publication and posting site notice. Detailed information would be deposited at the meeting for Members' inspection. For GL, the requirements as set out in TPB PG-No.31B are not applicable.

4. Town Planning Board Guidelines

The Site is located at the fringe of the Wetland Buffer Area (WBA) (**Plan-1a**) in Deep Bay Area. Both 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 TPB-PG No. 13G are relevant to the application. The Site is within Category 2 areas under TPB-PG No. 13G. 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 the 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 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 'Government, Institution or Community', 'Open Space', 'Other Specified Uses' annotated 'Electricity Substation', 'Logistics, Storage and Workshop' and 'Road'. According to the estimated programme, site formation will commence in Q4 2024.

5.2 The Site is not subject to any enforcement action.

6. Previous Applications

6.1 The Site (in whole or in part) is subject of 14 previous applications. Amongst which, 13 applications mainly for temporary open storage of containers/container trailer park (No. A/YL-ST/35, 40, 73, 74, 120, 122, 232 and 306 and 361), temporary open storage of containers and cargo handling and forwarding facilities with ancillary container trailer park and/or vehicle repair workshop (No. A/YL-ST/414 and 465) or temporary cargo handling and forwarding facilities with ancillary facilities (No. A/YL-ST/525 and 607) were approved by the Committee between 1997 and 2022 each for a period of 3 years (except No. A/YL-ST/35, 40, 73 and 74 for a period of 12 months) mainly on the grounds that the approvals on a temporary basis would not frustrate the long-term planning intention of the "R(D)" zone; the developments were not incompatible with the surrounding uses; there were no adverse departmental comments or the concerns of the departments could be addressed by relevant approval conditions; and the developments were in line with the relevant TPB-PG for open storage and port back-up uses. Two of these previous applications (No. A/YL-ST/525 and 607) submitted by a different applicant were revoked on 19.3.2021 and 28.7.2023 respectively due to non-compliance with approval condition on implementation of FSIs proposal (No. A/YL-ST/525) and implementation of FSIs proposal and drainage proposal (No. A/YL-ST/607).

6.2 Another application No. A/YL-ST/26 for temporary open storage of containers was rejected by the Board upon review in 1997 mainly for the reason that there was no information in the submission to demonstrate that mitigation or improvement measures required could be practicably implemented.

- 6.3 Details of these applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1a**.

7. Similar Application

- 7.1 During the past five years, there was one similar application (No. A/YL-ST/594) for logistics centre with ancillary container vehicle park and car repair workshop, warehouse for cold storage and car beauty service within the same “R(D)” zone. The application was approved by the Committee in 2021 for a period of 3 years mainly on considerations as stated in paragraph 6.1 above.
- 7.2 Details of such similar application are summarised at **Appendix III**. Its location is shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible from its south from Castle Peak Road – San Tin;
 - (b) currently paved and used for the applied uses without valid planning permission; and
 - (c) located within the WBA in Deep Bay Area.
- 8.2 The surrounding areas are predominantly occupied by open storage of scrap metal/construction materials and vehicle parts/container tractors or vehicles for sale, vehicle repair workshop and logistics centre with container vehicle park, as well as village houses.

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 department as set out in paragraph 10.2 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.
- 10.2 The following government departments have the following comments on the application:

Project Interface

- 10.2.1 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 starting from 2024 after the funding approval by the Finance Committee of the Legislative Council. Therefore, the Site within the boundary of the Technopole, may probably be required for timely clearance and construction.

Environment

10.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) as there are sensitive receivers in the vicinity (i.e. a village house is about 46m to the east of the Site) (**Plan A-2**) and the application involves the use of heavy vehicles, and environmental nuisance is expected;
- (b) there was no environmental complaint related to the Site in the past 3 years; and
- (c) advisory comments as detailed in **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 19.12.2023, the application was published for public comments. During the statutory publication period, two public comments were received from individuals raising objection to the application on the grounds that the cold storage use is an unauthorised use which has been illegally operating without a licence; the cold storage is not up-to-standard according to licensing requirements; the previous planning permission was revoked without fulfilling the approval conditions in drainage and fire aspects; and its continuous operation will adversely affect health and well-being of the community (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary cargo handling and forwarding facilities and warehouse for cold storage with ancillary facilities (site office, staff rest room and washroom) for a period of 3 years. The Site falls within “R(D)” zone which is intended 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. Whilst the applied use is not in line with the planning intention of the “R(D)” zone, PM(N), CEDD advises that the Site falls within the boundary of the Technopole and will be required for timely clearance and construction for 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 applied uses may be terminated at any time during the planning approval period for implementation of imminent government projects.

- 12.2 The applied uses are considered not incompatible with the surrounding land uses which comprise open storage of scrap metal/construction materials and vehicle parts/ container tractors or vehicles for sale, vehicle repair workshop and logistics centre with container vehicle park (**Plan A-2**). Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) 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 TPB PG No. 13G in that the Site falls within the Category 2 areas where planning permission may be granted on a temporary basis up to three years. Concerned government departments, including Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), Director of Fire Services, CTP/UD&L, PlanD and Director of Food and Environmental Hygiene (DFEH) have no objection to or no adverse comments on the application. While DEP does not support the application as there are sensitive receivers (i.e. village houses to the east of the Site) in the vicinity of the Site, no environmental complaint related to the Site was received by DEP in the past three years. The applied use will unlikely create adverse traffic, drainage, fire safety and landscape impacts to the surrounding areas. Technical requirements of the concerned government departments are suggested to be imposed through relevant approval conditions as recommended in paragraph 13.2 below. Besides, the applicant will be advised to follow the COP to mitigate any potential environmental impacts on the surrounding areas.
- 12.5 As detailed in paragraphs 6 and 7 above, the Site is the subject of 13 previous approvals for similar use and an approved application for similar use within the same “R(D)” zone in the past 5 years. Although the two previous approvals at the Site were subsequently revoked due to non-compliance with time-limited approval conditions, the current application is submitted by a different applicant with drainage proposal already accepted by CE/MN, DSD. Besides, the applicant commits to implement the submitted FSI proposal and accepted drainage proposal at the Site. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the public comments as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant. As for the public comment related to the cold storage, the DFEH has no adverse comment on the planning application and advises that an application for cold store licence is under processing, which will take into account comments from relevant government departments. In this regard, the applicant will be advised to obtain a cold store licence for the applied warehouse for cold storage.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the applied uses 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 26.1.2027. 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. from Monday to Saturday, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sunday and public holidays, as proposed by the applicant, is 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 implementation of the accepted drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.10.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 26.7.2024;
- (g) in relation to (f) above, the implementation of fire service installations 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 26.10.2024;
- (h) if any of the above planning conditions (a), (b), (c) 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;
- (i) if any of the above planning conditions (d), (f) or (g) 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 cargo handling and forwarding facilities and warehouse for cold storage with ancillary facilities is not in line with the planning intention of the "R(D)" zone. No strong planning justification has been given in the submission to justify 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 12.12.2023
Appendix Ia	Supplementary Planning Statement
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 Comments
Drawing A-1	Site Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Application Site and Land Use Proposal of San Tin Technopole
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**