

RNTPC Paper No. A/YL-ST/616B  
 For Consideration by the Rural and  
 New Town Planning Committee  
 on 13.1.2023

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-ST/616**

- Applicant** : Most Rich Investment Limited represented by Top Bright Consultants Limited
- Sites** : Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long
- Site Area** : About 30,862 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”)
- Application** : Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary container vehicle park and open storage of construction materials with ancillary tyre repair area, site office and storage uses for a period of two years (**Plan A-1a**). The Site falls within an area zoned “OU(CDWRA)” on the approved San Tin OZP No. S/YL-ST/8. The applied uses are neither Column 1 nor Column 2 uses of the “OU(CDWRA)” zone. According to the covering Notes of the OZP, temporary uses not exceeding a period of three years may be allowed subject to planning permission from the Town Planning Board (the Board), notwithstanding that the uses or developments are not provided for in terms of the OZP. The Site is currently paved and used for the applied uses without planning permission (**Plan A-2**).
- 1.2 The Site in whole or in part is the subject of ~~18-13~~ previous planning applications for ~~permanent residential developments and~~ various temporary uses, including three applications (No. A/YL-ST/553, 554 and 578) submitted by the same applicant as the current one for similar applied uses as the current application. Details of these applications are provided in paragraph 6 and **Appendix III**.

- 1.3 The Site is accessible from Castle Peak Road – San Tin via local access. As shown in the layout plan in **Drawing A-1**, the vehicular entrance of about 11m wide will be provided at the southeastern part of the Site and manoeuvring and queuing spaces will be provided within the Site to avoid vehicles queuing back to or reversing onto the public road/local track. The proposal will accommodate a total of 92 container vehicle parking spaces, an open storage of construction materials in the lower middle portion of the Site, a total of 48 structures (with height of 1-to-2 storey / 2.5m-6m) for ancillary tyre repair area, storage and site office uses and 8 private vehicle parking spaces for the staff and visitors. The operation hours at the Site are between 8:00am and 6:00pm from Monday to Saturday with no operation on all Sundays and public holidays. The development will setback from the northern boundary to provide buffer area for the existing settlements located to the north of the Site. Existing trees in the area along the eastern site boundary will be preserved and new planting (47 nos. of *Garcinia subelliptica* 菲島福木) will be provided in the buffer area along the northern site boundary to soften the appearance of the development (**Drawing A-3**). The local track within the Site will be maintained by the applicant to allow free flow of vehicles to the adjoining sites. The details of the temporary structures and the landscape and tree preservation proposal are at **Drawings A-2 and A-3**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 14.4.2022 **(Appendix I)**
  - (b) Supplementary Planning Statement **(Appendix Ia)**
  - (c) Further Information (FI) received on 9.8.2022 **(Appendix Ib)**  
providing response to departmental comments with a revised landscape and tree preservation proposal plan<sup>#</sup>
  - (d) FI received on 8.9.2022 providing response to **(Appendix Ic)**  
departmental comments on site trip generation<sup>#</sup>
  - (e) FI received on 21.11.2022 providing response to **(Appendix Id)**  
departmental comments on environmental impacts<sup>#</sup>
- <sup>#</sup> exempted from publication requirement
- 1.5 On 10.6.2022 and 23.9.2022, the Committee decided to defer a decision on the application 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 Supplementary Planning Statement and the FI at **Appendices Ia to Id**. They can be summarised as follows:

- (a) The Site was subject to planning enforcement action for unauthorised development (UD) requesting cessation of the current use at the Site. The application pleaded guilty on 15.7.2020 and has accepted the fine imposed by the court. Since then, the applicant has actively worked with over 40 different operators with a view to identifying alternative sites to relocate the current businesses at the Site. The relocation exercise, however, has been affected by the Covid-19 pandemic and the



associated anti-epidemic measures imposed by the government and on 17.1.2022, the court issued a second summon to the applicant for the same offence. As a matter of fact, many vehicles are left idle at the Site in the past few years and the operators need time to retreat from the Site. The applicant seeks sympathetic consideration from the Board for a period of two years for operation of the applied uses at the Site with a view to identifying alternative locations, liaising with relevant land owners for the relocation.

- (b) The Site has been hard paved and previously used for car racing, car repair/maintenance and ship building yard. It was then used as for parking of vehicles with ancillary open storage in past years, some with temporary planning permissions. There is a genuine demand for parking of container vehicles near the boundary crossing and the current facilities on the Site are well-established. Integral parking facility is playing an important role in serving the cross-boundary trade.
- (c) The applied development would not frustrate the planning intention of the “OU(CDWRA)” and are not incompatible with the surrounding port back-up uses.
- (d) Approval of the application would not contravene the Town Planning Board Guidelines (TPB Guidelines) No. 12C as open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the strategic location of the Site in close proximity to the Lok Ma Chau crossing and the genuine need to facilitate cross-boundary movements of goods in the area.
- (e) In accordance with the TPB Guidelines No. 13F, the Site falls within Category 4 areas. The Site is the subject of previous planning approvals. The applied use would not generate adverse environmental, visual, traffic and drainage impacts on the surrounding areas. The Site is near the existing cross-boundary control point in Lok Ma Chau and the applied uses provide the much needed vehicle parking facilities serving the cross-boundary trade for over the past 30 years till the present moment.
- (f) Given the close proximity of the Site to Lok Ma Chau Boundary Control Point (LMCBCP), the Site is a suitable location for container vehicle parking. There is still in a great demand for container vehicle parking at the Site to facilitate cross-boundary trade in the Northern New Territories.
- (g) No adverse environmental, water quality, drainage, traffic, visual and landscape impacts are envisaged.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” of the Site 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 (the Ordinance) (TPB PG-No. 31A) by publishing a notice in local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Development 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. 13F)’ are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

#### **5. Background**

The Site is subject to active planning enforcement action for UD's involving the parking of vehicles, storage use (including deposit of containers), workshop use and use for fuel filling station. Enforcement Notice (EN) was issued on 30.4.2019 requiring discontinuation of the UD's (**Plan A-2**). Site inspection on 10.11.2022 revealed that the UD's still continued upon expiry of the notice, prosecution action may follow.

#### **6. Previous Applications**

- 6.1 The Site in whole or in part is the subject of 13 previous applications for temporary container vehicle/tractor/trailer parks with or without open storage of building or construction machinery/materials, tyre/vehicle repair workshop or open storage of electricity cable/wire/accessories/generator (**Plans A-1a and 1b**). Amongst them, 5 applications (No. A/YL-ST/149 and 273 on same site, 379, 381 and 382) for temporary container tractor/trailer parks, vehicle repair workshop with or without open storage uses were approved by the Committee or the Board on review between 1999 and 2010 on special circumstances, while all other applications were rejected. Details of these applications are at **Appendix III**.

##### Approved Applications

- 6.2 Application No. A/YL-ST/149 for temporary container tractor/trailer park and open storage of building materials was approved in 2000 as interim arrangement to alleviate the acute shortage of port back-up land in the area.
- 6.3 Applications No. A/YL-ST/273 for temporary container tractor/trailer park and open storage of building materials, A/YL-ST/379 for container storage yard and vehicle park with ancillary vehicle repair area and site office, A/YL-ST/381 for temporary tyre repair workshop with ancillary site office, and A/YL-ST/382 for temporary container vehicle park were approved between 2004 and 2010 respectively for periods of 6 or 12 months all on sympathetic grounds to allow time for relocation of the uses to other suitable locations. However, planning approvals of all these applications were subsequently revoked between 2005 and 2010 due to non-compliance with approval conditions.

##### Rejected Applications

- 6.4 Applications No. A/YL-ST/166 and 178 for container tractor/trailer parks, and No. A/YL-ST/220, 250 and 298 for container tractor/trailer parks with open storage of

building machinery/materials were rejected between 2001 and 2006 mainly on grounds that the developments were not in line with the planning intention of “OU(CDWRA)” zone and did not comply with the then TPB PG-No. 12B and 13D; there was insufficient information in the submission to demonstrate that the development would not have adverse impacts on the surrounding areas; and the approval of the application would set an undesirable precedent for other similar applications within the “OU(CDWRA)” zone.

- 6.5 Applications No. A/YL-ST/553, 554 and 578 were submitted by the same applicant for similar applied uses as the current application (**Plans A-1b and A-1b**). These 3 applications were rejected by Committee on 20.3.2020 and 14.5.2021 mainly on grounds that the developments were not in line with the planning intention of the “OU(CDWRA)” zone and the TPB Guidelines No. 12C and 13E/13F, there were adverse departmental comments on the environmental, ecological and landscape impacts and local objections, and approval of the applications would result in a general degradation of the environment in Deep Bay area.

## **7. Similar Applications**

- 7.1 During the past five years, there are two similar applications, No. A/YL-ST/547 and A/YL-ST/558 (also submitted by the same applicant as the current one) for similar temporary vehicle parks uses involving container vehicles/goods vehicles with ancillary storage which were rejected by the Committee in 2020 for the reasons that the developments were not in line with the planning intention of the “OU(CDWRA)” zone, not line with TPB PG-No. 12C and 13E, setting of undesirable precedent for similar applications in the area and resulting in a general degradation of the environment in Deep Bay area and adverse departmental comments on the application.

- 7.2 Details of these applications are summarised at **Appendix III**.

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

- 8.1 The Site is:

- (a) accessible from Castle Peak Road – San Tin in the east via a local access;
- (b) located within the Wetland Buffer Area (WBA) in the Deep Bay Area; and
- (c) currently hard-paved and used for the applied uses without planning permission.

- 8.2 The surrounding area is intermixed with storage/open storage yards, scattered residential dwellings, some unused/vacant land and ponds:

- (a) to the immediate north, northwest and east are extensive ponds in the WCA and the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU (CDWEA)”) zone, residential

dwellings (the nearest is at about 13m to its north) (**Plan A-2**) and open storage yard;

- (b) to the immediate south are a stream course, open storage yards (mostly suspected UD's), vacant land and residential dwellings (the nearest are at about 88m to its southeast) (**Plan A-2**); and
- (c) to the immediate west are a number of open storage yards and to the further west is land within the "Conservation Area" zone within the Wetland Conservation Area (WCA) in the Deep Bay Area.

## **9. Planning Intention**

The planning intention of the "OU(CDWRA)" zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

## **10. Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraph 10.2 below, other 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 been consulted and their views on the application are summarised as follows:

### **Traffic**

#### **10.2.1 Comments of the Commissioner for Transport (C for T):**

- (a) The Site is connected to public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) The applicant should seek the relevant land owner(s) on the right of using the vehicular access.
- (c) The application should justify the trip generation and attraction rate at peak hours (in pcu/hr) as 4 in view of 100 parking spaces (i.e. 8 Private Car Parking Spaces + 91 Container Vehicle Parking Spaces) and provide daily average trip generation and attraction rate (in pcu/hr) for consideration.

- (d) Should the application be approved, a condition should be incorporated that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

### **Environment**

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

- (a) He does not support the application for the following reasons:
  - (i) the Site falls within the WBA and is adjacent to a number of ponds and also falls within Deep Bay catchment area where the assimilative capacity is limited. The applied use due to uncertain sewage treatment for on-site facilities, potential contaminated surface runoff and land contamination (and thus groundwater contamination) would result in adverse water quality impact;
  - (ii) with reference to the revised COP, which is applicable in handling the subject application, the applied use will generate traffic of heavy vehicles and it is understood that there are village houses within 100m from the application site boundary. In particular, according to section 1.3 of the COP, *“Heavy vehicles to and from sites of temporary uses are not actionable under existing ordinances. Even though the traffic noise from vehicles does not exceed the Hong Kong Planning and Standards Guidelines (HKPSG) criterion, it might still cause noise nuisance to residents and lead to complaints. Noise nuisances, for example, can be due to traffic of heavy vehicles, which can be particularly disturbing during early morning or nighttime hours.”*; and
  - (iii) the FI did not fully address DEP’s comments. Information is not provided on the drainage management plan with a layout plan to discuss and demonstrate how the mitigation measures would be implemented. There is lack of information on the sewage treatment for the on-site facilities with supplementary information on the number of employees that would be involved for the proposed use, arrangement for sewage treatment, etc. The applicant should provide clarification whether there would be kitchen/canteen facilities in the Site and how would wastewater from the facilities be handled. The applicant should confirm whether petrol filling stations would still be present, if so, proper mitigation measures, such as hard paving, petrol interceptor, floor drainage, etc. shall be proposed to prevent potential land contamination, and thus groundwater contamination. Moreover, relevant mitigation

measures suggested in ProPECC PN 1/94 “Construction Site Drainage” to prevent adverse water quality impact from operation of the open storage of construction materials should be implemented. Relevant regulations, guidelines and best practices, e.g. Water Pollution Control Ordinance, ProPECC PN 1/94, ProPECC PN 5/93 “Drainage Plans Subject to Comment by the Environmental Protection Department”, etc. shall be complied and followed.

- (b) No environmental-related complaint related to the Site was recorded in the past 3 years.

### **Nature Conservation**

#### 10.2.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

He has reservation on the application as the Site is located within the “OU(CDWRA)” zone and the WBA in proximity to the fish ponds in the WCA. Having said that, he will defer to PlanD/the Board to take into account the planning intentions of the Site and relevant factors, such as local needs, to give a balanced consideration on the application. Should the application be approved, the applicant is advised to adopt effective measures such as buffer planting to minimise disturbances to the more sensitive areas in the WCA.

### **Landscaping**

#### 10.2.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the aerial photos of 2021, the Site is situated in an area of rural landscape character comprising fish ponds, tree groups, village houses, temporary structures, open storages, carparks, vacant land, etc. The Site is in close vicinity of large extent of fish ponds which falls within areas zoned “CA” and “OU(CDWEA)”. Dense woodland within the “Green Belt” (“GB”) and ‘Site of Special Scientific Interest’ (“SSSI”) zones are located to the further southern and southwestern part of the Site (**Plan A-1a**).
- (b) With reference to the site record in May 2022, the Site is hard paved with temporary structures and container vehicles parking on the Site. The landscape environment of the area had been degraded. Existing trees of common species in fair conditions are observed. According to paragraph 5.07 and Figure 6 Landscape and Tree Preservation Proposal (**Drawing A-3**) of the Supplementary Planning Statement (**Appendix Ia**), all existing trees would be preserved and not less than 47 new trees are proposed along the northern boundary of the Site. Having considered the FI and the revised Landscape and Tree Preservation Proposal in **Drawing A-3**, she has no further comment

on the application. Notwithstanding, the effect of the proposed new tree planting to enhance the landscape quality of the surrounding environment is not apparent. There is concern that approval of the application may further alter the landscape character of the area. As such, she has some reservation on the application from the landscape planning perspective.

- (c) In view that there are existing trees as buffer planting around the Site, it is considered not necessary to impose any landscape-related condition should the Board approve the application.
- (d) Her advisory comments are at **Appendix V**.

## **11. Public Comments Received During Statutory Publication Period**

On 22.4.2022, the application was published for public comments. During the first 3 weeks of the statutory publication period which ended on 13.5.2022, 6 comments were received from Kadoorie Farm and Botanic Garden Corporation, Conservancy Association, Hong Kong Bird Watching Society, San Tin Rural Committee and two individuals. They raise objection on the grounds that there are no justifications to substantiate the current application; the development is not in line with the planning intention of the “OU(CDWRA)” zone, the WBA and the TPB PG-No. 12C; “destroy first, develop later” should be deterred; unauthorised uses at the Site should not be undertaken; and the Site should be maintained as wetland to mitigate the impact of the future Northern Metropolis (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary container and goods vehicle park and open storage of construction materials with ancillary tyre repair area, site office and storage uses at the Site for a period of two years. The Site falls within “OU(CDWRA)” zone which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. The Site also falls within the WBA and are next to the WCA. According to TPB PG-No. 12C, the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. The applied uses, which are brownfield operations, are not in line with the planning intention of the “OU(CDWRA)” zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- 12.2 The applied uses are considered incompatible with the surrounding areas which are predominantly ponds with scattered residential dwellings. Although there are open storage yards in the area, most of them are suspected UDs. DEP does not support the application as the applicant fails to demonstrate that the applied uses would not cause noise nuisance and adverse water quality impact. On noise

aspect, there are sensitive receivers in the vicinity of the Site (residential dwellings are located about 13m from the northern boundary of the Site and 88m from its southeastern boundary) (**Plan A-2**), environmental nuisance is expected. On water quality aspect, the Site falls within WBA and are adjacent to a number of ponds. The applicant has not provided any submission to demonstrate the applied use at the Site will not have adverse impact on the issues of drainage management, sewage treatment and control of contaminated surface runoff. Moreover, the applicant has not provided sufficient information to justify the trip generation and attraction rate for the development as requested by C for T to address the traffic concern.

- 12.3 The applied use is not in line with TPB PG. 12C. DAFC has reservation on the application as the Site is within WBA in proximity to the fish ponds in WCA and the applicant fails to demonstrate compliance with the planning intention of WBA or “OU(CDWRA)” zone. CTP/UD&L, PlanD also has reservation on the application as the applied uses may further alter the landscape character of the area and the effect of the landscape and tree preservation proposal to enhance the landscape quality of the surrounding environment is not apparent. Approval of the application would set an undesirable precedent for other similar uses in the locality. Other relevant departments have no adverse comment on the application.
- 12.4 Under TPB PG-No. 13F, the Site falls within Category 4 areas where application would normally be rejected except under exceptional circumstances, but it is also stated that applications for cross-boundary parking facilities at suitable sites in areas of close proximity to the border crossing points, such as in the San Tin area, may be considered in light of its own merits and subject to satisfactory demonstration of no adverse impacts on the surrounding areas. The application, however, is considered not in line with the TPB PG-No. 13F in that there are adverse comments from concerned departments including DEP and DAFC, and objections from the public including the green groups and individuals; and the applicant has failed to demonstrate that the proposed uses would not have adverse noise and water quality impacts on the surrounding areas.
- 12.5 The Site is the subject of 13 previous applications for temporary container vehicle park/vehicle repair workshop uses under the “OU(CDWRA)” zoning, of which eight applications (including the last 3 applications No. A/YL-ST/553, 554 and 578) were rejected by the Committee between 2001 and 2021. The remaining 5 previous applications were all approved by the Committee or the Board on review between 2000 and 2010 on special circumstances, i.e. to alleviate the acute shortage of port back-up land in the area, to allow for timely review of the land uses in the area and to allow time for relocation. In the past five years, there were two similar applications for container and goods vehicle parking uses within the “OU(CDWRA)” zone which were all rejected by the Committee in 2020 for the reasons as detailed in **Appendix III**. Details of these applications are set out in paragraphs 6 and 7. Though the applicant has indicated his intention to relocate the applied uses from the Site, there are no progress and details in terms of the timing, sequence and possible sites for relocation. As such, it is considered that there are no special circumstances pertaining to the application that may warrant sympathetic consideration by the Committee. Rejection of the application is in line with the previous decisions of the Committee and the Board on similar applications in the area.



- 12.6 There are 6 public comments, all objecting to and raising concerns on the development as detailed in paragraph 11. The planning considerations and the departmental comments above are relevant.

### 13. **Planning Department's Views**

- 13.1 Based on the assessments in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for following reasons:

- (a) the development is not in line with the planning intention of the "OU(CDWRA)" zone, which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12C) in that the applicant fails to demonstrate that the proposed development is compliant with the intention of the Wetland Buffer Area to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (c) the development is not in line with the Town Planning Board Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13F) in that the applicant has failed to demonstrate that the development would not result in adverse noise and water quality impacts on the surrounding areas. Approval of the application would result in a general degradation of the environment in the areas.

- 13.2 Alternatively, 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 2 Years until 13.1.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays 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 the Site at any time during the planning approval period;

- (d) the submission of water quality impact assessment (including sewage treatment and control of contaminated surface runoff) within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 13.7.2023;
- (e) in relation to (d) above, the implementation of the mitigation measures identified in the water quality impact assessment within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 13.10.2023;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.7.2023;
- (g) in relation to (f) above, the implementation of the 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 13.10.2023;
- (h) the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (i) 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 13.7.2023;
- (j) in relation to (i) above, the provision 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 13.10.2023;
- (k) 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 24.2.2023;
- (l) 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;
- (m) if any of the above planning conditions (d), (e), (f), (g), (i), (j) or (k) 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; and
- (n) upon 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.

Advisory Clauses

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

#### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 14.4.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 9.8.2022
<b>Appendix Ic</b>	FI received on 8.9.2022
<b>Appendix Id</b>	FI received on 21.11.2022
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C and 13F
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Details of Temporary Structures
<b>Drawing A-3</b>	Landscape and Tree Preservation Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous and Similar Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4f</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2023**



2022年 4月 1 4日

Appendix I of RNTPC  
Paper No. A/YL-ST/616B

此文件在 收到・城市規劃委員會  
只會在收到所有必要的資料及文件後才正式確認收到  
申請的日期

This document is received on 14 APR 2022  
The Town Planning Board will formally acknowledge  
the date of receipt of the application only upon receipt  
of all the required information and documents.

Form No. S16-III  
表格第 S16-III 號

**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF  
THE TOWN PLANNING ORDINANCE  
(CAP.131)**

根據《城市規劃條例》(第131章)  
第16條遞交的許可申請

**Applicable to Proposal Only Involving Temporary Use/Development of  
Land and/or Building Not Exceeding 3 Years in Rural Areas or Renewal  
of Permission for such Temporary Use or Development\***

**適用於祇涉及位於鄉郊地區土地上及/或建築物內進行為期不超過三年  
的臨時用途/發展或該等臨時用途/發展的許可續期的建議\***

\*Form No. S16-I should be used for other Temporary Use/Development of Land and/or Building (e.g. temporary use/developments in the Urban Area) and Renewal of Permission for such Temporary Use or Development.

\*其他土地上及/或建築物內的臨時用途/發展 (例如位於市區內的臨時用途或發展) 及有關該等臨時用途/發展的許可續期，應使用表格第 S16-I 號。

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers: [https://www.info.gov.hk/tpb/en/plan\\_application/apply.html](https://www.info.gov.hk/tpb/en/plan_application/apply.html)

申請人如欲在本地報章刊登申請通知，以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟，請瀏覽以下網址有關在指定的報章刊登通知：  
[https://www.info.gov.hk/tpb/tc/plan\\_application/apply.html](https://www.info.gov.hk/tpb/tc/plan_application/apply.html)

**General Note and Annotation for the Form**

**填寫表格的一般指引及註解**

\* "Current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made  
「現行土地擁有人」指在提出申請前六星期，其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

\* Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足，請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/76-ST / 616
	Date Received 收到日期	14 APR 2022

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.  
申請人須把填妥的申請表格及其他支持申請的文件(倘有), 送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會(下稱「委員會」)秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).  
請先細閱《申請須知》的資料單張, 然後填寫此表格。該份文件可從委員會的網頁下載(網址: <http://www.info.gov.hk/tpb/>), 亦可向委員會秘書處(香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835)及規劃署的規劃資料查詢處(熱線: 2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓)索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.  
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全, 委員會可拒絕處理有關申請。

## 1. Name of Applicant 申請人姓名/名稱

( ☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☒ Company 公司 / ☐ Organisation 機構 )

Most Rich Investment Limited 溢發投資有限公司

## 2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

( ☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☒ Company 公司 / ☐ Organisation 機構 )

Top Bright Consultants Limited 才鴻顧問有限公司

## 3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址/地點/丈量約份及地段號碼(如適用)	Lot No. 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input checked="" type="checkbox"/> Site area 地盤面積 ..... 30,862 ..... sq.m 平方米 <input checked="" type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 ..... 4,799 ..... sq.m 平方米 <input checked="" type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積(倘有)	..... Nil ..... sq.m 平方米 <input type="checkbox"/> About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	San Tin Outline Zoning Plan No. S/YL-ST/8
(e) Land use zone(s) involved 涉及的土地用途地帶	"Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU (CDWRA)")
(f) Current use(s) 現時用途	Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses  (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

#### 4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 -

- ☐ is the sole "current land owner"<sup>#</sup> (please proceed to Part 6 and attach documentary proof of ownership).  
是唯一的「現行土地擁有人」<sup>#</sup> (請繼續填寫第 6 部分，並夾附業權證明文件)。
- ☐ is one of the "current land owners"<sup>#</sup> (please attach documentary proof of ownership).  
是其中一名「現行土地擁有人」<sup>#</sup> (請夾附業權證明文件)。
- ☒ is not a "current land owner"<sup>#</sup>.  
並不是「現行土地擁有人」<sup>#</sup>。

- ☐ The application site is entirely on Government land (please proceed to Part 6).  
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

#### 5. Statement on Owner's Consent/Notification

就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at ..... (DD/MM/YYYY), this application involves a total of ..... "current land owner(s)"<sup>#</sup>.  
根據土地註冊處截至 ..... 年 ..... 月 ..... 日的記錄，這宗申請共牽涉 ..... 名「現行土地擁有人」<sup>#</sup>。

(b) The applicant 申請人 -

- ☐ has obtained consent(s) of ..... "current land owner(s)"<sup>#</sup>.  
已取得 ..... 名「現行土地擁有人」<sup>#</sup>的同意。

Details of consent of "current land owner(s)" <sup>#</sup> obtained 取得「現行土地擁有人」 <sup>#</sup> 同意的詳情		
No. of "Current Land Owner(s)" 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼 處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has notified ..... "current land owner(s)"<sup>#</sup>  
已通知 ..... 名「現行土地擁有人」<sup>#</sup>。

Details of the "current land owner(s)" <sup>#</sup> notified 已獲通知「現行土地擁有人」 <sup>#</sup> 的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼/處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☒ has taken reasonable steps to obtain consent of or give notification to owner(s):  
已採取合理步驟以取得土地擁有人的同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

- ☐ sent request for consent to the "current land owner(s)" on \_\_\_\_\_ (DD/MM/YYYY)<sup>#&</sup>  
於 \_\_\_\_\_ (日/月/年)向每一名「現行土地擁有人」<sup>#</sup>郵遞要求同意書<sup>&</sup>

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- ☒ published notices in local newspapers on 25/02/2022 (DD/MM/YYYY)<sup>&</sup>  
於 \_\_\_\_\_ (日/月/年)在指定報章就申請刊登一次通知<sup>&</sup>
- ☒ posted notice in a prominent position on or near application site/premises on 24/02/2022 (DD/MM/YYYY)<sup>&</sup>  
於 \_\_\_\_\_ (日/月/年)在申請地點/申請處所或附近的顯明位置貼出關於該申請的通知<sup>&</sup>
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on \_\_\_\_\_ (DD/MM/YYYY)<sup>&</sup>  
於 \_\_\_\_\_ (日/月/年)把通知寄往相關的業主立案法團/業主委員會/互助委員會或管理處，或有關的鄉事委員會<sup>&</sup>

Others 其他

- ☐ others (please specify)  
其他 (請指明)

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Note: May insert more than one 「✓」.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註: 可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段(倘適用)及處所(倘有)分別提供資料



<b>6. Type(s) of Application 申請類別</b>	
<b>(A) Temporary Use/Development of Land and/or Building Not Exceeding 3 Years in Rural Areas</b> 位於鄉郊地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展 (For Renewal of Permission for Temporary Use or Development in Rural Areas, please proceed to Part (B)) (如屬位於鄉郊地區臨時用途/發展的規劃許可續期，請填寫(B)部分)	
(a) Proposed use(s)/development 擬議用途/發展	Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses  (Please illustrate the details of the proposal on a layout plan) (請用平面圖說明擬議詳情)
(b) Effective period of permission applied for 申請的許可有效期	<input checked="" type="checkbox"/> year(s) 年 ..... 2 ..... <input type="checkbox"/> month(s) 個月 .....
<b>(c) Development Schedule 發展細節表</b>	
Proposed uncovered land area 擬議露天土地面積	..... 26,857 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed covered land area 擬議有上蓋土地面積	..... 4,005 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed number of buildings/structures 擬議建築物/構築物數目	..... 48 .....
Proposed domestic floor area 擬議住用樓面面積	..... Nil .....sq.m <input type="checkbox"/> About 約
Proposed non-domestic floor area 擬議非住用樓面面積	..... 4,799 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed gross floor area 擬議總樓面面積	..... 4,799 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed height and use(s) of different floors of buildings/structures (if applicable) 建築物/構築物的擬議高度及不同樓層的擬議用途 (如適用) (Please use separate sheets if the space below is insufficient) (如以下空間不足，請另頁說明) Please refer to Figure 5 and 5A of the Supplementary Planning Statement ..... ..... .....	
Proposed number of car parking spaces by types 不同種類停車位的擬議數目	
Private Car Parking Spaces 私家車車位	8 (2.5m x 5m) (3 parking spaces under structure Nos. 43, 44, 47)
Motorcycle Parking Spaces 電單車車位	Nil
Light Goods Vehicle Parking Spaces 輕型貨車泊車位	Nil
Medium Goods Vehicle Parking Spaces 中型貨車泊車位	Nil
Heavy Goods Vehicle Parking Spaces 重型貨車泊車位	Nil
Others (Please Specify) 其他 (請列明)	Container Vehicles Parking Spaces: 92 (3.5m x 16m)
Proposed number of loading/unloading spaces 上落客貨車位的擬議數目	
Taxi Spaces 的士車位	Nil
Coach Spaces 旅遊巴車位	Nil
Light Goods Vehicle Spaces 輕型貨車車位	Nil
Medium Goods Vehicle Spaces 中型貨車車位	Nil
Heavy Goods Vehicle Spaces 重型貨車車位	Nil
Others (Please Specify) 其他 (請列明)	Nil

Proposed operating hours 擬議營運時間 8:00am and 6:00pm (Mondays to Saturdays) No operation on Sundays and Public Holidays			
(d) Any vehicular access to the site/subject building? 是否有車路通往地盤/ 有關建築物?	Yes 是	<input checked="" type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) Castle Peak Road -- San Tin	
	No 否	<input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度)	
(e) Impacts of Development Proposal 擬議發展計劃的影響 (If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures. 如需要的話, 請另頁表示可盡量減少可能出現不良影響的措施, 否則請提供理據/理由。)			
(i) Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?	Yes 是	<input type="checkbox"/> Please provide details 請提供詳情 ..... ..... .....	
	No 否	<input checked="" type="checkbox"/>	
(ii) Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程?	Yes 是	<input type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線, 以及河道改道, 填塘, 填土及/或挖土的細節及/或範圍)  <input type="checkbox"/> Diversion of stream 河道改道  <input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 ..... sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 ..... m 米 <input type="checkbox"/> About 約  <input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 ..... sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 ..... m 米 <input type="checkbox"/> About 約  <input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 ..... sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 ..... m 米 <input type="checkbox"/> About 約	
	No 否	<input checked="" type="checkbox"/>	
(iii) Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?	On environment 對環境 On traffic 對交通 On water supply 對供水 On drainage 對排水 On slopes 對斜坡 Affected by slopes 受斜坡影響 Landscape Impact 構成景觀影響 Tree Felling 砍伐樹木 Visual Impact 構成視覺影響 Others (Please Specify) 其他 (請列明)		Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/>

	<p>Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible)</p> <p>請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)</p> <p>NA .....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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<b>(B) Renewal of Permission for Temporary Use or Development in Rural Areas</b>	
位於鄉郊地區臨時用途/發展的許可續期	
(a) Application number to which the permission relates 與許可有關的申請編號	A/ _____ / _____
(b) Date of approval 獲批給許可的日期	..... (DD 日/MM 月/YYYY 年)
(c) Date of expiry 許可屆滿日期	..... (DD 日/MM 月/YYYY 年)
(d) Approved use/development 已批給許可的用途/發展	
(e) Approval conditions 附帶條件	<p><input type="checkbox"/> The permission does not have any approval condition 許可並沒有任何附帶條件</p> <p><input type="checkbox"/> Applicant has complied with all the approval conditions 申請人已履行全部附帶條件</p> <p><input type="checkbox"/> Applicant has not yet complied with the following approval condition(s): 申請人仍未履行下列附帶條件：</p> <p>.....</p> <p>.....</p> <p>Reason(s) for non-compliance: 仍未履行的原因：</p> <p>.....</p> <p>.....</p> <p>(Please use separate sheets if the space above is insufficient) (如以上空間不足，請另頁說明)</p>
(f) Renewal period sought 要求的續期期間	<p><input type="checkbox"/> year(s) 年 .....</p> <p><input type="checkbox"/> month(s) 個月 .....</p>

**7. Justifications 理由**

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.  
現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

Please refer to Chapter 6 of the Supplementary Planning Statement

**8. Declaration 聲明**

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.  
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in an application to the Board and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.  
本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature  
簽署



Adam Chow

Name in Block Letters  
姓名（請以正楷填寫）

☐ Applicant 申請人 / ☒ Authorised Agent 獲授權代理人

Assistant Town Planner

Position (if applicable)  
職位（如適用）

Professional Qualification(s)  
專業資格

- ☐ Member 會員 / ☐ Fellow of 資深會員  
☐ HKIP 香港規劃師學會 / ☐ HKIA 香港建築師學會 /  
☐ HKIS 香港測量師學會 / ☐ HKIE 香港工程師學會 /  
☐ HKILA 香港園境師學會 / ☐ HKIUD 香港城市設計學會

Others 其他 .....

on behalf of  
代表

Top Bright Consultants Limited

☒ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章（如適用）



Date 日期

25/02/2022

(DD/MM/YYYY 日/月/年)

**Remark 備註**

The materials submitted in an application to the Board and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

**Warning 警告**

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

**Statement on Personal Data 個人資料的聲明**

- The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:  
委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：  
  - the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and  
處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及
  - facilitating communication between the applicant and the Secretary of the Board/Government departments.  
方便申請人與委員會秘書及政府部門之間進行聯絡。
- The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.  
申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。
- An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.  
根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

Gist of Application 申請摘要	
(Please provide details in both English and Chinese <u>as far as possible</u> . This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and deposited at the Planning Enquiry Counters of the Planning Department for general information.) (請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及存放於規劃署規劃資料查詢處以供一般參閱。)	
Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)
Location/address 位置/地址	Lot No. 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories
Site area 地盤面積	30,862 sq. m 平方米 <input checked="" type="checkbox"/> About 約 (includes Government land of 包括政府土地 Nil sq. m 平方米 <input type="checkbox"/> About 約)
Plan 圖則	San Tin Outline Zoning Plan No. S/YL-ST/8
Zoning 地帶	"Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)")
Type of Application 申請類別	<input checked="" type="checkbox"/> Temporary Use/Development in Rural Areas for a Period of 位於鄉郊地區的臨時用途/發展為期 <input checked="" type="checkbox"/> Year(s) 年 <u>2</u> <input type="checkbox"/> Month(s) 月 _____  <input type="checkbox"/> Renewal of Planning Approval for Temporary Use/Development in Rural Areas for a Period of 位於鄉郊地區臨時用途/發展的規劃許可續期為期 <input type="checkbox"/> Year(s) 年 _____ <input type="checkbox"/> Month(s) 月 _____
Applied use/ development 申請用途/發展	Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses

(i) Gross floor area and/or plot ratio 總樓面面積及／或地積比率		sq.m 平方米	Plot Ratio 地積比率
	Domestic 住用	Nil	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
	Non-domestic 非住用	4,799	<input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
(ii) No. of block 幢數	Domestic 住用	Nil	
	Non-domestic 非住用	48	
(iii) Building height/No. of storeys 建築物高度／層數	Domestic 住用	Nil	<input type="checkbox"/> (Not more than 不多於) m 米
		Nil	<input type="checkbox"/> (Not more than 不多於) Storeys(s) 層
	Non-domestic 非住用	2.5-6	<input checked="" type="checkbox"/> (Not more than 不多於) m 米
		1-2	<input checked="" type="checkbox"/> (Not more than 不多於) Storeys(s) 層
(iv) Site coverage 上蓋面積	13 % <input checked="" type="checkbox"/> About 約		
(v) No. of parking spaces and loading / unloading spaces 停車位及上落客貨車位數目	Total no. of vehicle parking spaces 停車位總數		
	Private Car Parking Spaces 私家車車位 Motorcycle Parking Spaces 電單車車位 Light Goods Vehicle Parking Spaces 輕型貨車泊車位 Medium Goods Vehicle Parking Spaces 中型貨車泊車位 Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 Others (Please Specify) 其他 (請列明) <u>Container Vehicles Parking Spaces</u>		8 Nil Nil Nil Nil 92
	Total no. of vehicle loading/unloading bays/lay-bys 上落客貨車位／停車處總數		
	Taxi Spaces 的士車位 Coach Spaces 旅遊巴車位 Light Goods Vehicle Spaces 輕型貨車車位 Medium Goods Vehicle Spaces 中型貨車車位 Heavy Goods Vehicle Spaces 重型貨車車位 Others (Please Specify) 其他 (請列明)		Nil Nil Nil Nil Nil Nil

Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件		
	Chinese 中文	English 英文
<b>Plans and Drawings 圖則及繪圖</b>		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Others (please specify) 其他（請註明）	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location Plan, Site Plan, Plan Showing the General Area, Aerial Photo Extract from San Tin Outline Zoning Plan No. S/YL-ST/8		
<b>Reports 報告書</b>		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估（噪音、空氣及／或水的污染）	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他（請註明）	<input type="checkbox"/>	<input type="checkbox"/>
Note: May insert more than one '✓'. 註：可在多於一個方格內加上「✓」號		

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。





才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Our Ref.: 22/763/L01

February 25, 2022

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Hand

Dear Sir/Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in "Other Specified Uses" annotated 'Comprehensive Development to include Wetland Restoration Area' ("OU (CDWRA)") Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**

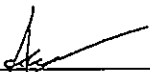
We are instructed by the Applicant, Most Rich Investment Limited, to apply for the captioned use under Section 16 of the Town Planning Ordinance (Cap. 131).

The following documents are submitted for your consideration:

- (a) 5 signed original copies of the application form;
- (b) 70 copies of the supplementary planning statement;
- (c) An authorization letter signed by the Applicant;
- (d) Copies of notification given to the current land owners; and
- (e) Particulars of applicant and authorized agent.

Should you have any queries or require further information, please feel free to contact the undersigned at

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

  
Adam Chow

Encls.

c.c. Most Rich Investment Limited (the Applicant)

2022年 4月 14日  
此文件在 收到。城市規劃委員會  
只會在收到所有必要的資料及文件後才正式確認收到  
申請的日期。

This document is received on 14 APR 2022  
The Town Planning Board will formally acknowledge  
the date of receipt of the application only upon receipt  
of all the required information and documents.





才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Our Ref.: 22/763/L02

April 13, 2022

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Email


Dear Sir/Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in "Other Specified Uses" annotated 'Comprehensive Development to include Wetland Restoration Area' ("OU (CDWRA)") Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**

With reference to the captioned application, we submit herewith amended page 5 of Form No. S16 III and Figure 5A for replacement. The total covered area of the Proposed Development is 4,005 sq.m and covered area of structure no.7 is 96 sq.m. The structure no. 41 is 1 storey high.

Should you have any queries or require further information, please feel free to contact the undersigned at.

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

  
Adam Chow

2022年 4月 14日

此文件在\_\_\_\_\_收到。城市規劃委員會  
只會在收到所有必要的資料及文件後才正式確認收到  
申請的日期。

14 APR 2022

This document is received on \_\_\_\_\_  
The Town Planning Board will formally acknowledge  
the date of receipt of the application only upon receipt  
of all the required information and documents.

Encls.

c.c. Most Rich Investment Limited (the Applicant)

**Details of Structures:**

Structure No.	Uses	No. of Storey	Height (m)	Covered Area (m <sup>2</sup> )	Floor Area (m <sup>2</sup> )
1	Tyre Repair Workshop with Site Office and Storage	1-2	5.5	770	770 + 30 = 800
2	Storage and Site Office	2	5.0	37	37 + 30 = 67
3	Storage of Trailer Parts with Site Office, Toilet	1	5.5	812	812
4	Site Office	1	2.5	15	15
5	Storage and Site Office	2	5.0	15	30
6	Site Office and Toilet	1-2	5.0	109	109 + 15 = 124
7	Site Office and Toilet	1	3.0	96	96
8	Site Office and Storage	1-2	6.0	347	347 + 120 = 467
9	Site Office	1	2.5	15	15
10	Site Office	1	2.5	15	15
11	Site Office	2	5.0	149	149 x 2 = 298
12	Site Office and Storage	1	5.0	188	188
13	Storage	1	2.5	15	15
14	Storage	1	2.5	15	15
15	Storage	1	2.5	15	15
16	Site Office	2	5.0	30	30 x 2 = 60
17	Storage and Site Office	1	5.0	114	114
18	Storage and Site Office	1-2	5.0	285	285 + 60 = 345
19	Toilet	1	3.0	7	7
20	Site Office	2	5.0	15	15 x 2 = 30
21	Site Office	1	2.5	15	15
22	Storage	1	2.5	15	15
23	Site Office	2	5.0	15	15 x 2 = 30
24	Site Office	1	2.5	30	30
25	Site Office	2	5.0	15	15 x 2 = 30
26	Site Office	1	2.5	15	15
27	Site Office	2	5.0	15	15 x 2 = 30
28	Toilet	1	3.0	7	7
29	Site Office	2	5.0	39	39 x 2 = 78
30	Site Office	1	2.5	16	16
31	Site Office	1	2.5	34	34
32	Site Office	2	5.0	84	84 x 2 = 168
33	Site Office	1	2.5	56	56
34	Site Office and Storage	2	5.0	87	87 x 2 = 174
35	Storage	1	2.5	15	15
36	Storage	1	2.5	15	15
37	Storage	1	2.5	15	15
38	Site Office and Storage	1	2.5	67	67
39	Storage	1	2.5	15	15
40	Storage	1	2.0	30	30 + 15 = 45
41	Toilet	1	2.0	6	6
42	Toilet	1	2.5	15	15
43	Covered Parking Space for Staff	1	2.5	15	15
44	Covered Parking Space for Staff	1	2.5	15	15
45	Site Office	1	2.5	15	15
46	Site Office	1	2.5	15	15
47	Covered Parking Space for Staff	1	2.5	15	15
48	Site Office and Storage	1-2	5.5	245	245 + 60 = 305

Top Bright Consultants Ltd.

Drawing No. : TB/22/763/05A

**Details of Temporary Structures**

Lot 769RP(Part) in DD99,  
San Tin, Yuen Long, N.T.

**FIGURE 5A**

FOR IDENTIFICATION PURPOSE  
Date: 11.4.2022


57/616

**Application for Permission under Section 16 of  
the Town Planning Ordinance (Cap. 131)**

**Temporary Container Vehicle Park and Open Storage of  
Construction Materials with Ancillary Tyre Repair Area, Site  
Office and Storage Uses (the "Proposed Development") for a  
Period of Two Years in "Other Specified Uses" annotated  
"Comprehensive Development to include Wetland Restoration  
Area" ("OU(CDWRA)") Zone at Lot 769RP (Part) in DD 99,  
San Tin, Yuen Long, New Territories**

**SUPPLEMENTARY PLANNING STATEMENT**

**Applicant:**  
Most Rich Investment Limited

**Planning Consultant:**  
 Top Bright Consultants Ltd.

February, 2022





才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Your Ref.: TPB/A/YL- ST/616

Our Ref.: TB/22/763/L04

August 9, 2022

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Email

Dear Sir/Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in "Other Specified Uses" annotated 'Comprehensive Development to include Wetland Restoration Area' ("OU (CDWRA)") Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**

(Application No. A/YL-ST/616)

With reference to the comment suggested by Planning Department dated 13.5.2022, we submit herewith our response to comment for your further consideration.

Planning Department's Comment

As indicated in Figure 6, 3-4m spacing is proposed for Ficus microcarpa, which becomes large tree when it is mature. The applicant is advised to review the planting proposal for sustainable tree growth.

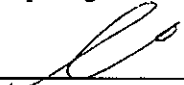
Our Response

Garcinia subelliptica will be the alternative tree species to plant in the Application Site. It is smaller than Ficus macrocarpa in mature size, which the height will be about 6m, and the crown will be about 5m in diameter. The proposed tree height is about 3 meters when first planted in the ground. 3-4m spacing is proposed for sustainable tree growth.

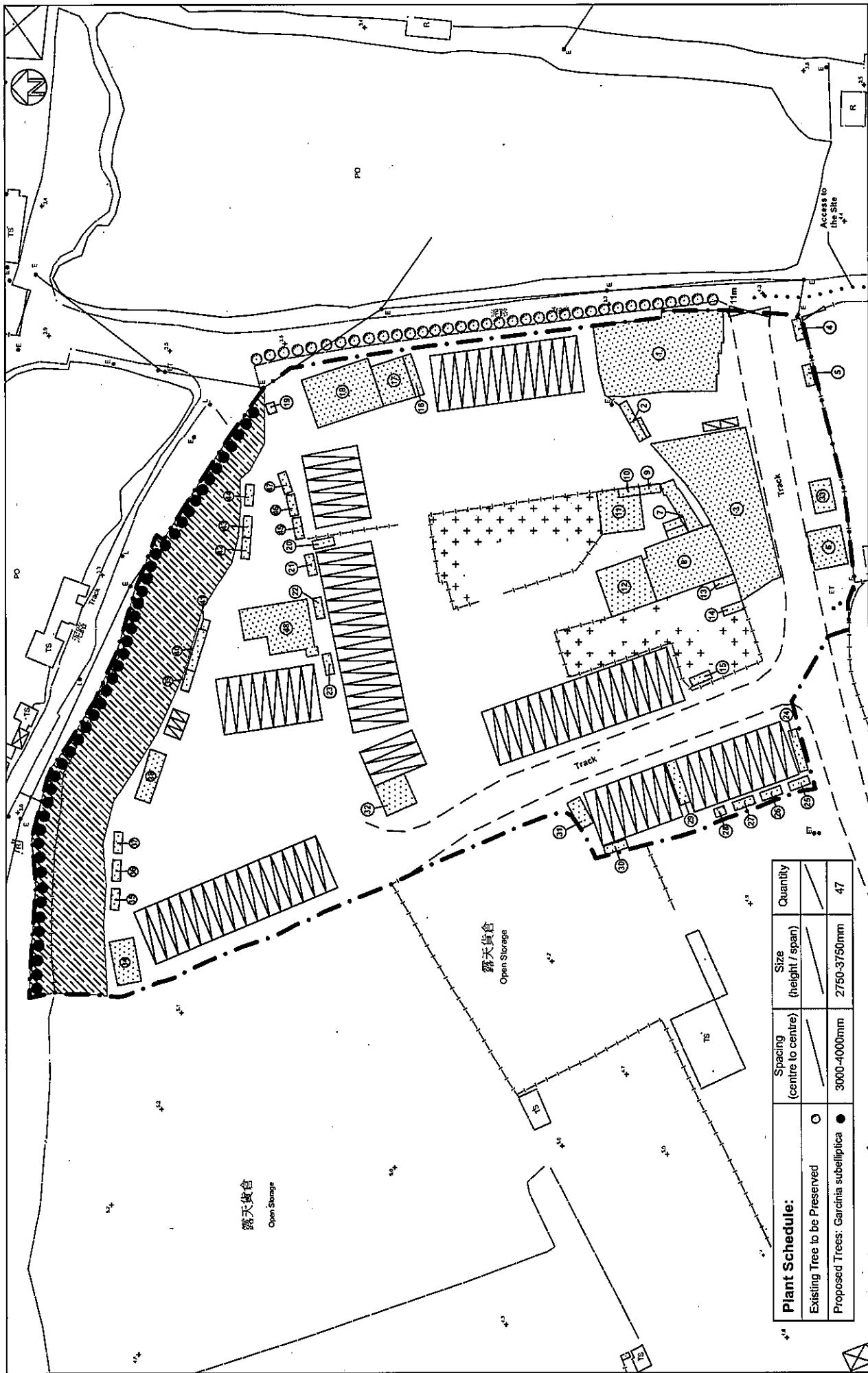
Garcinia subelliptica is an evergreen species. It can tolerate to strong wind, heat, drought and pollution. According to the information from the Greening, Landscape, and Tree Management Section of Development Bureau, Garcinia subelliptica is commonly used for beautifying the environment, screening and blocking the wind and noise in Hong Kong. It can also provide shading for the parking vehicles.

Should you have any queries or require further information, please feel free to contact the undersigned at .

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

  
\_\_\_\_\_  
Lo Ming Kong

Encls.



**FIGURE 6**  
FOR IDENTIFICATION PURPOSE  
Date: 8.8.2022  
Scale: 1 : 1 000 (A3)

**Landscape and Tree Preservation Proposal**  
Lot 7699 (part) in DD99,  
San Tin, Yuen Long, N.T.

**Top Bright Consultants Ltd.**  
Drawing No.: TB/22/76306

Plant Schedule:	Spacing (centre to centre)	Size (height / span)	Quantity
Existing Tree to be Preserved	○		
Proposed Trees: <i>Garcinia subelliptica</i>	●	3000-4000mm	2750-3750mm
			47

**LEGEND:**

- Application Site (Area = about 30,862 sq.m.)
- Parking Spaces for Container Vehicles (92 nos.) (3.5m x 16m)
- Temporary Structures
- Open Storage of Construction Materials
- Parking Spaces for Staff/Visitors (5 nos.) (2.5m x 5m)
- Buffer Area





才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Your Ref.: TPB/A/YL- ST/616  
Our Ref.: TB/22/763/L05

September 8, 2022

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Email

Dear Sir/Madam,


**Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in "Other Specified Uses" annotated 'Comprehensive Development to include Wetland Restoration Area' ("OU (CDWRA)") Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**

**(Application No. A/YL-ST/616)**

With reference to the comments suggested by Transport Department dated 13.5.2022, we submit herewith the RtoC table for your further consideration.

Should you have any queries or require further information, please feel free to contact the undersigned at

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

  
\_\_\_\_\_  
Adam Chow

Encls.

**Planning Applications No. A/YL-ST/616 for Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a period of two years at Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long, New Territories**

Responses to Comments from Transport Department

Comments from Transport Department (Contact Person: Mr. WONG Kin Chun, Kinox; Tel: 2399 2727)	Responses
<p>(a) The subject site is connected to public road network via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with the Lands Department by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.</p>	<p>Please be informed that the applicant and the owner of Lot 769 RP are in the process of clarifying the Right of Way Over Private Land and the management and maintenance responsibilities of the local access with the concerned landowner(s) and relevant authorities, respectively. The results and relevant supplementary documents will be submitted to the relevant department for further consideration after the above-mentioned clarification is completed.</p>
<p>(b) As there is no information about the vehicular access at the private lot(s) to the concerned site, the applicant should seek the relevant land owner(s) on the right of using the vehicular access.</p>	<p>Please be advised that the applicant and the land owners of Lot 769 RP in D.D. 99 are processing the clarification of the Right of Way Over Private Land with the respective land owner(s). Upon completion of the aforesaid clarification, the results and relevant supplementary documents would be submitted to the relevant department.</p>
<p>(c) The applicant should provide details of trip generation with breakdown to justify the provision of 100 parking within the subject site and demonstrate the traffic generated from the subject site would not have traffic impact on the public road network.</p>	<p>Please be advised that the previous planning application (application number A/YL-ST/578) for Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long, New Territories provided a traffic impact assessment that indicated that providing over 100 parking spaces within the subject site would not adversely affect the public road network in the vicinity (please see <b>Appendix A</b>).</p> <p>Empirically and Anecdotally, it is recognized that the surrounding public road network of the subject site remains a considerable amount of capacity for additional traffic flows; local stakeholders or operators have rarely observed traffic congestion occurring in the surrounding public road network of the subject site over the past few years.</p> <p>The applicant will provide supplementary information on local traffic conditions on San Tin for relevant departments, if necessary.</p>

**Planning Applications No. AYL-ST/616 for Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a period of two years at Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long, New Territories**

Responses to Comments from Transport Department

<p>(d) The applicant should demonstrate sufficient space for manoeuvring of the types of vehicle allowed within at the ingress and egress point and ensure vehicles would not encroach the opposite lane when turning to Castle Peak Road - Mai Po from the subject site via the vehicular access, and vice versa.</p>	<p>Please be advised that the area of the subject site is about 30,862m<sup>2</sup>, which provides a considerable amount of manoeuvring space for vehicles permitted entry into the site. No obstruction or collision has been observed at the subject site's ingress or egress point.</p>
<p>(e) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.</p>	<p>Noted. The land owners of Lot 769 RP in D.D. 99 will ensure that no encroachment on traffic lanes will occur on adjacent roads due to vehicles attracted to or generated by the subject site.</p>
	<p>Noted.</p>

## Appendix A

### Planning Data

According to the report "Projections of Population Distribution 2019-2028" issued by Planning Department to the public on July 2019, the population growth from base year 2018 to 2022 is shown in **Table 4.2** and **Appendix B**.

**Table 4.2 Projected Population Distribution**

District Council District	Year 2018 <sup>#</sup>	Year 2022	Growth Rate p.a. (%)
Yuen Long	641000	662300	0.8%

<sup>#</sup> Base Year Estimates

The planning data indicate a slight increase in population at a rate of +0.8% per annum.

After comparing the historical data with the future planning data, for the purpose of a conservative assessment, an annual growth rate of +1.4% was adopted. This factor is used to forecast the future traffic volume for this study.

### 4.3 Traffic Generation & Attraction of Study Development

The traffic flows observed in our traffic survey carried out in 2019 has already included the traffic generation by the site, and no further extension of the workshop area is proposed. Therefore, no additional traffic flows will be generated. For conservative approach, it is assumed that the development would generate and attract 4(4) pcu, i.e. 1(1) no. of Heavy Goods Vehicles and 1(1) no. of Private Cars, in the morning (afternoon) peak hours, as shown in **Figure 4.2**.

### 4.4 Junction Capacity Assessment

The growth factor will be applied to the 2019 observed traffic flows to estimate the 2022 reference flows.

The reference and design flows for the year 2022 are calculated from the following formulae:

$$\text{2022 Reference Flows (Figure 4.1)} = \text{2019 Observed Flows (Figure 3.3)} \times (1 + 1.4\%)^3$$

$$\text{2022 Design Flows (Figure 4.3)} = \text{2022 Reference Flows (Figure 4.1)} + \text{Total Development Flows (Figure 4.2)}$$

Based on the observed existing traffic flows and pattern of existing road network, the 2021 peak hour Reference and Design traffic flows at the critical junctions are distributed and assigned in **Figures 4.1** and **4.3** respectively.





才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Your Ref.: TPB/A/YL- ST/616  
Our Ref.: TB/22/763/L07

November 21, 2022

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Email

Dear Sir/Madam,

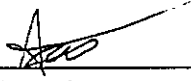
**Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in "Other Specified Uses" annotated 'Comprehensive Development to include Wetland Restoration Area' ("OU (CDWRA)") Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**

**(Application No. A/YL-ST/616)**

With reference to the comments suggested by Environmental Protection Department dated 13.5.2022, we submit herewith the RtoC table for your further consideration.

Should you have any queries or require further information, please feel free to contact the undersigned at

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

  
\_\_\_\_\_  
Adam Chow

Encls.

# Annex 1

Responses to Departmental Comments (Application No. A/YL-ST/616)

## Annex 1: Responses to Comments from Various Government Departments on Planning Application No. A/YL-ST/578

COMMENTS	RESPONSES
<p>(a) The subject site falls within Wetland Buffer Area (WBA) and is adjacent to a number of ponds and also falls within Deep Bay catchment area where the assimilative capacity is limited. The subject use due to uncertain sewage treatment for on-site facilities, potential contaminated surface runoff and land contamination (and thus groundwater contamination) would result in adverse water quality impact.</p>	<p>(a) Although the Site falls within WBA and is adjacent to a number of ponds and also falls within Deep Bay catchment area, number of mitigation measures can be implemented to prevent worsen the existing water quality. During site operation, potential water quality impact due to stormwater discharge can be control through good drainage design and implementation of best management practices.</p> <p>The following mitigation measures will be provided to avoid adverse water quality impact upon the environment:</p> <ol style="list-style-type: none"> <li>1. All site area will be hard paved to minimise exposed surface and soil erosion;</li> <li>2. Surface run-off within the Site should be properly collected to avoid uncontrolled spillage of runoff. Proper surface channels with screening facilities will be provided along the perimeter of the site boundary.</li> <li>3. Surface run-off will be discharge discharged into stream course via the sand / silt removal facilities. Screening facilities which is capable of screening off large substances such as fallen leaves and rubbish should be provided at the inlet of drainage system. Silt traps and oil interceptors will be incorporated to remove particles present in stormwater runoff.</li> </ol> <p>It is unlikely to cause any adverse water quality impact to the environment with the implementation of the above mitigation measures.</p>



# Annex 1

Responses to Departmental Comments (Application No. A/NL-ST/616)

COMMENTS	RESPONSES
<p>(b) The revised “Code of Practice on Handling the Environmental Aspects of Temporary ‘Uses and Open Storage Sites” (the COP) is applicable in handling this planning application. With reference to the COP, the use will generate traffic of heavy vehicles and we understand that there are village houses within 100m from the subject site boundary. In particular, please note that according to section 1.3 of the CoP, “Heavy vehicles to and from sites of temporary uses are not actionable under existing ordinances: Even though the traffic noise from vehicles’ does not exceed the HKPSG criterion, it might still cause noise nuisances to residents and lead to complaints. Noise nuisances, for example, can be due to traffic of heavy vehicles, which can be particularly disturbing during early morning or nighttime hours.”</p>	<p>(b) The potential on-site noise nuisances should include the movement of heavy vehicles. Noise nuisances generated from the heavy vehicles would be much depending on the travelling speed as well as the number of vehicles passing within a certain period of time.</p> <p>Operation hours of the Site will be from 0800 to 1800 pm and 24 hours for container vehicle parking but no entry/exit other than 0800 to 1800. Hence, no any noisy operation will be happened during evening and nighttime periods (i.e., 1900 to 0700). Noise generating activities, such as workshop, vehicle breaking or repair will not be permitted on the site to avoid any disturbance. Ancillary tyre repairing is only proposed for contingency purpose in case a vehicle has a flat tyre inside the site;</p> <p>In order to protect a few low-rise village houses and scattered temporary structures that are still occupied and scattered near the site boundary, the Applicant has committed that a 2 m high solid boundary fence walls will be erected to screen off the possible noise and its nuisance that could emanate from the Site.</p> <p>Although the existence of low-rise village houses and scattered temporary structures close to the Site and less than 100m from the site boundary, the solid boundary fence walls will be considered effectively mitigated the noise nuisance because it cuts off the noise transmission path and the surface density is sufficient and the low-rise village houses and scattered temporary structures can easily be screened.</p>

# Annex 1

*Responses to Departmental Comments (Application No. A/YL-ST/616)*

COMMENTS	RESPONSES
	With implementation of the above noise mitigation measures in place, the use would not cause adverse noise nuisances upon to the nearby noise sensitive receivers.

**Relevant Extract of Town Planning Board Guidelines for Application  
for Development within Deep Bay Area  
under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)**

According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA; and
- (c) application for new open storage or container back-up uses including workshops within the WBA, whether temporary or permanent, would normally not be allowed in view of the adverse disturbances of such activities on birds, in particular for such uses involving filling of contiguous ponds. However, open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.

**Relevant Extract of 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. 13F)**

According to TPB PG-No.13F, the Site falls within Category 4 areas. The following criteria are relevant:

- (a) applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh application, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, a maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merits; and
- (b) taking into account the demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in areas of close proximity to the border crossing points, such as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

No.	Application No.	Use(s) / Development(s)	Date of Consideration (RNTPC/TPB)
1.	A/YL-ST/149	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 3 Years	27.10.2000 Approved by RNTPC (up to 3.3.2003) [Revoked on 27.4.2002]
2.	A/YL-ST/273	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 1 Year	10.12.2004 Approved by TPB on review (12 months) [Revoked on 10.11.2005]
3.	A/YL-ST/379	Temporary Container Storage Yard and Container Vehicle Park with Ancillary Vehicle Repair Area and Site Office for a Period of 3 Years	26.3.2010 Approved by TPB on review (6 months) [Revoked on 26.6.2010]
4.	A/YL-ST/381	Temporary Tyre Repair Workshop with Ancillary Site Office for a Period of 3 Years	16.4.2010 Approved by TPB on Review (6 months) [Revoked on 16.7.2010]
5.	A/YL-ST/382	Temporary Container Vehicle Park for a Period of 3 Years	16.4.2010 Approved by TPB on Review (6 months) [Revoked on 16.7.2010]

**Rejected Applications**

No.	Application No.	Use(s) / Development(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
1.	A/YL-ST/166	Temporary Container Tractor/Trailer Park for a Period of 3 Years	30.3.2001 Rejected by RNTPC	1, 5, 8, 9
2.	A/YL-ST/178	Temporary Container Tractor/Trailer Park for a Period of 3 Years	16.11.2001 Rejected by RNTPC	1, 5, 8, 9
3.	A/YL-ST/220	Temporary Container Tractor/Trailer Park & Open Storage of Building Machinery for a Period of 3 Years	23.5.2003 Rejected by TPB on Review	1, 5, 9, 10
4.	A/YL-ST/250	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of One Years	6.2.2004 Rejected by TPB on Review	1, 5, 8, 9
5.	A/YL-ST/298	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 12 Months	26.5.2006 Rejected by TPB on Review	1, 5
6.	A/YL-ST/553	Temporary Container Vehicle Park with Ancillary Site Office and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1, 5, 8, 13
7.	A/YL-ST/554	Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1, 5, 8, 13



No.	Application No.	Use(s) / Development(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
8.	A/YL-ST/578	Temporary Container and Goods Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre and Vehicle Repair Areas, Site Office, Staff Canteen and Storage Uses for a Period of 18 Months	14.5.2021 Rejected by RNTPC	1, 5, 8, 9

#### Rejection Reasons

1. The proposed development was not in line with the planning intention for the area. There was no strong planning justification for a departure from the planning intention, even on a temporary basis.
2. The ecological assessment had not demonstrated that the proposed development would have insignificant adverse impacts.
3. The proposed development would have adverse traffic impacts road and interchange(s) in the vicinity.
4. The drainage impact assessment and the related mitigation measures against flooding hazards were considered inadequate as the details of drainage problems had not been satisfactorily addressed.
5. The development had not met/did not comply with Town Planning Board (TPB) Guidelines for “Application for Developments within Deep Bay Buffer Zones” and/or “Application for Open Storage and Port Back-up Uses”.
6. The proposed development intensity and building height were not in line with the low-density residential developments in ecologically sensitive areas.
7. The ecology assessment had not demonstrated that the proposed development and the associated human disturbance would have insignificant adverse impacts.
8. Approval of the proposed development would set an undesirable precedent for uncoordinated conservation proposals/for other similar applications within the zone/will result in a general degradation of the environment in Deep Bay area.
9. There was insufficient information to demonstrate that the development would not have adverse traffic, noise, drainage, water quality, sewerage and visual impacts on the surrounding areas / The applicant failed to demonstrate the proposed development was compliant with the intention of the Wetland Buffer Area to protect the ecological integrity of the fish ponds and wetland within the WBA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.
10. As a large portion of the site falls within the gazetted scheme boundary of the Eastern Main Drainage Channel for San Tin, approval of the application, even on temporary basis, would jeopardize the implementation of the drainage channel project.
11. There was insufficient information to justify a plot ratio of 0.45 which exceeded the maximum permissible plot ratio of 0.4 in the zone.
12. There was insufficient information on the maintenance and management plan of the proposed wetland.
13. There were adverse departmental comments on the environmental, ecological and landscape impacts and local objections.

**Similar s.16 Applications in the vicinity of the Site within the same “OU(CDWRA)” Zone on the Approved San Tin Outline Zoning Plan No. S/YL-ST/8 in the Past Five Years**

**Rejected Applications**

No.	Application No.	Use(s)/Development(s)	Date of Consideration (by RNTPC/TPB)	Rejection reason(s)
1.	A/YL-ST/547	Temporary Container Vehicle Park with Ancillary Facilities (including Site Office and Storage) for a Period of 3 Years	13.3.2020 Rejected by TPB on Review	1
2.	A/YL-ST/558	Temporary Container and Goods Vehicle Park with Ancillary Site Office, Vehicle Repair Area, Staff Canteen and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1-4

**Rejection Reasons**

1. The development was not in line with the planning intention of the site/area.
2. The development had not met/did not comply to TPB Guidelines for “Application for Developments within Deep Bay Buffer Zones” and/or “Application for Open Storage and Port Back-up Uses”.
3. Approval of the proposed development would set an undesirable precedent for uncoordinated conservation proposals/for other similar applications within the zone/would result in a general degradation of the environment in Deep Bay area.
4. There were adverse departmental comments on the environmental, ecological and landscape impacts and local objections.





**Government Departments' General Comments**

**1. Land Administration**

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the application Site (the Site) comprises an Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government; and
- (b) should planning approval be given to the application, the lot owner will need to apply immediately to LandsD to permit the structures to be erected or regularise any irregularity on site, if any. Besides, given the applied uses are temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor as its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

**2. Traffic**

Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) the access arrangement of the Site from Castle Peak Road – San Tin should be approved by Transport Department;
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin; and
- (c) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

**3. Fire Safety**

Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction;
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant should also adhere to the good practice guidelines for open storage (**Appendix V**);
- (c) having considered the nature of the open storage, should the application be approved

by the Board, an approval condition should be stipulated requiring the applicant to provide fire extinguisher(s) within 6 weeks from the date of the planning approval to the satisfaction of D of FS. To address this condition, the applicant is advised to submit a valid fire certificate (FS 251) for approval by his department; and

- (d) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

#### **4. Drainage**

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection in principle to the application from drainage operation and maintenance point of view;
- (b) the applicant should submit a drainage proposal to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow, etc.) with supporting design calculations and charts should be included. Approval of the drainage proposal should be sought prior to the implementation of drainage works on site;
- (c) after completion of the required drainage works, the applicant shall provide DSD sets of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plans for reference; and
- (d) his advisory comments are at **Appendix V**.

#### **5. Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site;
- (b) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
- (c) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;

- (d) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
- (e) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- (f) the Site does not abut on a specified street of not less than 4.5m wide, and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plans (BPs) submission stage;
- (g) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and are subject to the control of Part VII of B(P)R; and
- (h) detailed checking under BO will be carried out at the BPs submission stage.

#### **6. Other Departments**

The following government departments have no objection to or no comment on the application:

- (a) Commissioner of Police;
- (b) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department;
- (c) Project Manager (West), Civil Engineering and Development Department;
- (d) Chief Engineer/Construction, Water Supplies Department; and
- (e) District Officer (Yuen Long).





**Recommended Advisory Clauses**

- (a) Prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner will need to immediately apply to LandsD to permit the structures to be erected or regularise any irregularity on site, if any. Besides, given the applied use is temporary in nature, only application(s) for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner of Transport (C for T) that the Site is connected to public road network via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin. Adequate drainage measures should be provided at the Site to prevent surface water running from the Site to the nearby public roads/drains;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental impacts on the surrounding areas;
- (f) to note the comment of the Director of Agriculture, Fisheries and Conservation (DAFC) to adopt effective measures such as buffer planting to minimise disturbances to the more sensitive areas in the Wetland Conservation Area in Deep Bay area;
- (g) to note the comment of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (h) to note the comments of the Director of Fire Services (D of FS) to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage

(**Appendix**) should be adhered to. The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval to address the approval condition on “the provision of fire extinguisher(s) within 6 weeks from the date of planning approval”. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans (BPs);

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site;
  - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under BO and should not be designated for any proposed use under the application;
  - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
  - (iv) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
  - (v) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
  - (vi) the Site does not abut on a specified street of not less than 4.5m wide, and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the BPs submission stage;
  - (vii) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and are subject to the control of Part VII of B(P)R; and
  - (viii) detailed checking under BO will be carried out at the BPs submission stage; and
- (j) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) the drainage proposal should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g.

cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow, etc.) with supporting design calculations & charts should be included. For preparation of the proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at:

[http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf)

- (ii) the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site;
- (iii) after completion of the required drainage works, the applicant shall provide DSD sets of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plans for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
- (iv) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
- (v) the applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
- (vi) no public sewerage maintained by CE/MN, DSD is currently available for connection. No sewerage collected from the Site should be discharged to the drainage system. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained;
- (vii) the applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure unobstructed discharge from the Site in future; and
- (viii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.





## Good Practice Guidelines for Open Storage Sites

		Internal Access for Fire Appliances	Lot Boundaries (Clear Width)	Distance between Storage Cluster and Temporary Structure	Cluster Size	Storage Height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of Non-combustibles or Limited Combustibles	4.5m	2m	4.5m		
3.	Open Storage of Combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks : Smoking and naked flame activities shall not be allowed within the open storage /recycling site.



## 就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

220510-153621-11194

提交限期

Deadline for submission:

13/05/2022

提交日期及時間

Date and time of submission:

10/05/2022 15:36:21

有關的規劃申請編號

The application no. to which the comment relates:

A/YL-ST/616

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Lam Ka Hing

意見詳情

Details of the Comment :

反對，鄉郊設倉庫及工場必會增加附近車輛出入流量，引至附近交通阻塞、環境污染，增加引發火警危機，影響村民安全及生活質數。



嘉道理農場暨植物園公司  
Kadoorie Farm & Botanic Garden Corporation

The Secretary,  
Town Planning Board,  
15/F, North Point Government Offices,  
333, Java Road, North Point,  
Hong Kong.  
(Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk))

11th May 2022.

By email only

Dear Sir/ Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials with  
Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years  
(A/YL-ST/616)**

1. We refer to the captioned.
2. We urge the Board to liaise with relevant authorities as to whether there is ongoing enforcement case covering the application site.
3. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden





# 長春社

Since 1968

## The Conservancy Association

會址: 香港新界葵涌貨櫃碼頭路 77-81 號 Magnet Place 一期十三樓 1305-6 室

Add.: Units 1305-6, 13/F, Tower 1, Magnet Place, 77-81 Container Port Road, Kwai Chung, New Territories, H.K.

網址 Website: www.cahk.org.hk

電話 Tel.: (852) 2728 6781 傳真 Fax.: (852) 2728 5538

電子郵件 E-mail: cahk@cahk.org.hk

13<sup>th</sup> May 2022

Town Planning Board  
15/F North Point Government Offices  
333 Java Road  
North Point  
Hong Kong



By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,

Comments on the Section 16 Application No. A/YL-ST/616

The Conservancy Association (CA) OBJECTS to the captioned application.

**1. Not in line with the planning intention of “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (OU(CDWRA))**

According to the approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8, the planning intention of OU(CDWRA) is *“to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands”*.

Although the proposed uses, such as container vehicle park, open storage of construction materials, etc., are temporary in nature, all of them would not lead to restoration of degraded wetlands, not to say phasing out existing sporadic open storage. The application is clearly not in line with the planning intention of OU(CDWRA).

**2. Not in line with the Town Planning Board (TPB) PG-No. 12C**

According to the TPB PG-No.12C for Application for Developments within Deep Bay Area, the application site is located within Wetland Buffer Area (WBA) and very close to Wetland Conservation Area (WCA). The planning intention of WBA is *“to protect*





長春社 Since 1968

## The Conservancy Association

會址: 香港新界葵涌貨櫃碼頭路 77-81 號 Magnet Place 一期十三樓 1305-6 室  
Add.: Units 1305-6, 13/F, Tower 1, Magnet Place, 77-81 Container Port  
Road, Kwai Chung, New Territories, H.K.  
網址 Website: [www.cahk.org.hk](http://www.cahk.org.hk)

電話 Tel.: (852) 2728 6781 傳真 Fax.: (852) 2728 5538  
電子郵件 E-mail: [cahk@cahk.org.hk](mailto:cahk@cahk.org.hk)

*the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds". It also states that "Applications for new open storage or container back-up uses including workshops within the WBA, whether temporary or permanent, would normally not be allowed in view of the adverse disturbances of such activities on birds, in particular for such uses involving filling of contiguous ponds. However, open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area".*

Fish ponds can be spotted in the eastern and northern part of the proposed application site. However, the applicant fails to explain how to ensure the ecological integrity of the fish ponds and wetland within WCA. We opine that this is not in line with the TPB Guideline No. 12C.

### 3. Not in line with the TPB PG-No.13F

According to the TPB PG-No.13F for Application for Open Storage and Port Back-up Uses, the application site falls within Category 4 areas. It states that "*Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. For applications on sites...subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh application, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible*".

As mentioned above, there are fish ponds adjacent to the application site, but the applicant fails to demonstrate that how the application would not generate adverse environmental impacts on these fish ponds. Moreover, the proposed uses are in contradictory with the planning intention to phase out non-conforming uses from the area. We opine that this is not in line with the TPB Guideline No. 13F.



# 長春社

Since 1968

## The Conservancy Association

會址: 香港新界葵涌貨櫃碼頭路 77-81 號 Magnet Place 一期十三樓 1305-6 室

Add.: Units 1305-6, 13/F, Tower 1, Magnet Place, 77-81 Container Port Road, Kwai Chung, New Territories, H.K.

網址 Website: [www.cahk.org.hk](http://www.cahk.org.hk)

電話 Tel.: (852) 2728 6781 傳真 Fax.: (852) 2728 5538

電子郵件 E-mail: [cahk@cahk.org.hk](mailto:cahk@cahk.org.hk)

#### 4. Undesirable precedent of “destroy first, build later”

This site has been subject to unauthorized development. Enforcement Notice (Case No. E/YL-ST/0412) has been issued by Planning Department. It is suspected that this is a case of “destroy first, build later”.

Planning Department and members of Town Planning Board (TPB) should alert that TPB has announced approaches to deter “destroy first, build later” activities in 2011. It stated that “*the Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned*”<sup>1</sup>. Therefore, this application should not be given any sympathetic consideration, or it will set an undesirable precedent for similar cases in future.

Yours faithfully,

Ng Hei Man

Campaign Manager

The Conservancy Association

<sup>1</sup> TPB Press Release. Available at: <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>



Secretary, Town Planning Board  
15/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
(E-mail: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk))



By email only

13 May 2022

Dear Sir/Madam,

**Comments on the planning application for the proposed Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years at San Tin, Yuen Long (A/YL-ST/616)**

The Hong Kong Bird Watching Society (HKBWS) objects to the planning application based on the following reasons.

**1 Not in line with the planning intention of the "Other Specified Uses (for "Comprehensive Development to include Wetland Restoration Area" only)" (OU(WRA)) zoning and the Wetland Buffer Area (WBA) under the Town Planning Board Planning Guideline No. 12C**

- 1.1 Under the approved San Tin Outline Zoning Plan No. S/YL-ST/8, the application site is located within the OU(WRA) zone, where is intended "to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands."<sup>1</sup>

<sup>1</sup> Approved San Tin Outline Zoning Plan No. S/YL-ST/8. Available at: [https://www2.ozp.tpb.gov.hk/plan/ozp\\_plan\\_notes/en/S\\_YL-ST\\_8\\_e.pdf](https://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-ST_8_e.pdf)







- 1.2 The application site is also located within WBA, where is *"to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds."*<sup>2</sup>
- 1.3 Referring to the previous applications (no. A/YL-ST/22, A/YL-ST/32, A/YL-ST/166, A/YL-ST/178, A/YL-ST/220, A/YL-ST/298, A/YL-ST/250, A/YL-ST/298, A/YL-ST/553, A/YL-ST/554 and A/YL-ST/558) at the same/adjacent sites, all the proposed container vehicle parks and open storage were rejected by the Board. Most of them are rejected because *'the development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU (CDWRA)") zone which is to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds.'* And *'the development does not comply with the revised Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" in that there is no information in the submission to demonstrate that the development would not have adverse disturbance impacts on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area.'*
- 1.4 We consider the proposed brownfield operation is not in line with the intention to phase out port back-up uses and prevent negative off-site disturbance impact on the fishponds ecosystem. Therefore, we urge the Town Planning Board (the Board) to reject this application.

## 2 The Town Planning Board should not encourage "destroy first, build later"

- 2.1 Fourteen Enforcement Notices (Case no. E/YL-ST/029, E/YL-ST/067, E/YL-ST/069, E/YL-ST/138, E/YL-ST/229, E/YL-ST/271, E/YL-ST/272, E/YL-ST/283, E/YL-ST/291, E/YL-ST/292, E/YL-ST/293, E/YL-ST/294, E/YL-ST/412 and E/YL-ST/413) for the unauthorized development including container vehicle park and open storage were issued at the application site and the adjoining area

<sup>2</sup> Section 6.4 of the Town Planning Board Planning Guideline No. 12C. Available at: [https://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c\\_e.pdf](https://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c_e.pdf)





from 1996 to 2019.

- 2.2 The Google Earth aerial photograph in December 2018 reveals that the unauthorized container vehicle parking is still in operation (Figure 1). We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the OU(WRA) zone in Deep Bay area, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.”*<sup>3</sup> We urge the Board to reject this application.

### 3 Set an undesirable precedent to the future development

The approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, build later” within the OU(WRA) zone, and thus nullifying the statutory planning control mechanism. We urge the Board to reject this application in order to protect OU(WRA) zone from any development threats.

### 4 Justifications for the decision and comments made by Government departments and the Board

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Board has the responsibility to, “*restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features*” and (iii), the Board has the responsibility to “*control adjoining uses to minimise adverse impacts on conservation zones and optimise their conservation value*”. We note that all other Government bureaux/departments are also bound to the HKPSG, and the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (Pland) have the responsibility to advise the Board on the ecological<sup>4</sup>

<sup>3</sup> TPB Press Release. Available at:  
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

<sup>4</sup> AFCD Role of Department. Available at:  
[http://www.afcd.gov.hk/english/aboutus/abt\\_role/abt\\_role.html](http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html)





and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity<sup>5</sup>, and the proposed development is not in line with the planning intention of the statutory zoning, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the Board feels otherwise, we urge that the appropriate justifications are provided.

The HKBWS respectfully requests the Board to take our comments into consideration and reject the current application. Thank you for your kind attention.

Yours faithfully,  
Wong Suet Mei  
Conservation Officer  
The Hong Kong Bird Watching Society

cc.  
The Conservancy Association  
Designing Hong Kong  
Kadoorie Farm and Botanic Garden  
WWF – Hong Kong  
Trailwatch

<sup>5</sup> AFCD Vision and Mission. Available at:  
[http://www.afcd.gov.hk/english/aboutus/vision\\_mission/abt\\_vision\\_mission.html](http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html)





**Figure 1.** The Google Earth photograph in December 2018 shows that the unauthorized use is still continued at the site (marked with red line). As *"the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned."* We urge the Board to reject this application.



## 第25屆執委會

## 委員名單

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文美桂

## 副主席

黎志超

## 副主席

文貴旗

## 執行委員

文中慶

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周貴賢

黎志文

馮錦仔

馮日柱

黃福安

陳冠盛

潘啟芬

張炳容



## 新田鄉鄉事委員會

SAN TIN RURAL COMMITTEE

地址：

敬啟者：

(傳真及郵遞文件)

反對新田丈量約份第99約地段769號餘段(部分)

臨時貨櫃車停車場及露天存放建築材料連

附屬車胎維修處、地盤辦公室及存放途(為期2年)

(申請編號:A/YL-ST/616)

就有人向城規會申請在新田米埔隴附近作臨時貨櫃車停車場及露天存放建築材料連附屬車胎維修處、地盤辦公室及存放途(為期2年)，本鄉認為有關發展計劃，將大大改變此區風貌，影響村民出入安全，本鄉反對有關發展計劃，理由如下：

1. 根據有關發展計劃及其相鄰的發展申請【A/YL-ST/553及A/YL-ST/558】，合共發展面積達91,427平方米，建築面積達12,360平方米，建築物111幢之多，估計提供車位包括377個之多(包括的重型車輛車位達337個)，現存的青山公路及其出入青山公路的臨時路實不足負荷。
2. 上述發展及其相鄰的發展申請涉及極大面積及現時的臨時路行人安全問題，現時的車輛出入口有安全問題。
3. 查上述申請已經多次遭城規會否決申請而且被票控，法庭更多次裁決罰款，但30年來不停以申請作拖延，影響地區出入安全，懇請當局果斷執法。

我們反對有關發展計劃，認為會破壞該區景觀及魚塘生態，影響村民生活及安全。

此致

城市規劃委員會



新田鄉鄉事委員會

主席：文美桂

副主席：黎志超

副主席：文貴旗 謹啟

2022年5月12日



☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&publi



**A/YL-ST/616 DD 99 San Tin Wetland Restoration**

10/05/2022 03:12

From: [REDACTED]  
To: tpbpd <tpbpd@pland.gov.hk>  
File Ref:

A/YL-ST/616

Lot 769 RP (Part) in D.D. 99, San Tin

Site area : 30,862m<sup>2</sup>

Zoning : "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area"

Applied Use: 92 Container Vehicle Park / Open Storage of Construction Materials / 8 Vehicle Parking

Dear TPB Members,

Applications 553 and 554 were rejected on 20 March 2020. Applicant subsequently filed a review that was withdrawn.

There is no justification for the current application, particularly as the wetlands are part of the proposed conservation area to help mitigate the impact of the Northern Metropolis plan.

Members must again reject the application for the same reason quoted in 2020.

Mary Mulvihill

---

**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Thursday, 11 July 2019 2:15 AM CST  
**Subject:** A/YL-ST/554 DD 99 San Tin Wetland Restoration

A/YL-ST/554

Lot 769 RP (Part) in D.D. 99, San Tin

Site area : 20,780m<sup>2</sup>

Zoning : "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area"

Applied Use: 72 Container Vehicle Park / Open Storage of Construction Materials / 6 Vehicle Parking

Dear TPB Members,

Approval of the most recent application was revoked on 26 June 2010 As the applicant had failed to comply with conditions (e) to (l) satisfactorily

It is quite clear from Google map that the operation has never been terminated.

In view of the impact of global warming and research that indicates that degraded coastal **wetlands contribute to climate change**. Drainage and degradation of coastal **wetlands** emit significant amounts of carbon dioxide directly to the atmosphere and **lead** to decreased carbon sequestration, it is now time that steps be taken to commence work on the restoration of the wetlands in this area.

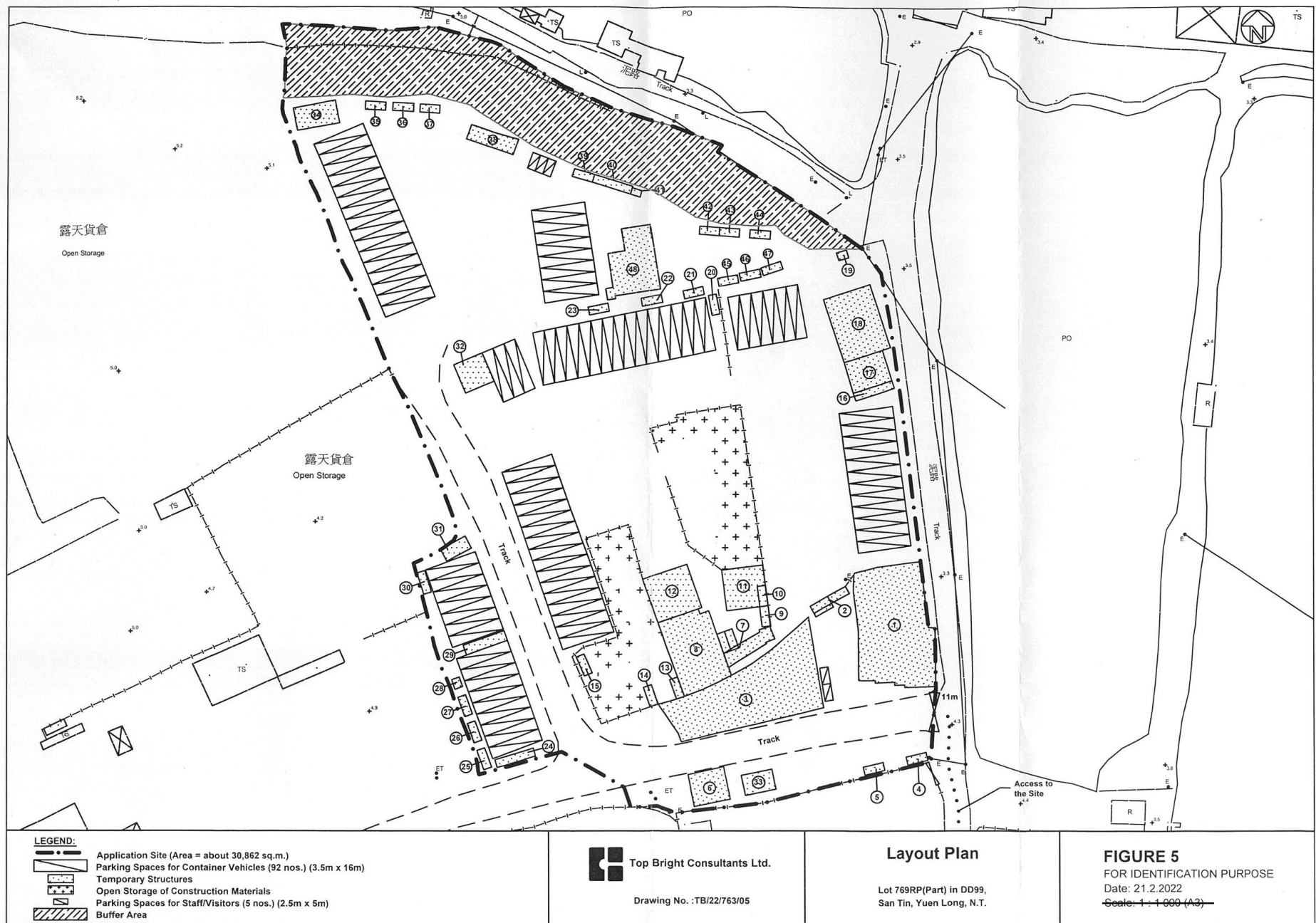
The first step will be to have brownfield sites like this relocate to high rise, custom built storage facilities complete with industrial lifts, parking, wash room and all the other amenities one would expect in a modern economy.

Illegal land use should not be rewarded.

Mary Mulvihill







(摘錄自申請人於 14. 4. 2022 呈交的申請書)  
(Extract from Applicant's  
Submission of 14.4.2022)

參考編號  
REFERENCE No.  
A/YL-ST/616

繪圖  
DRAWING  
A - 1

**Details of Structures:**

Structure No.	Uses	No. of Storey	Height (m)	Covered Area (m <sup>2</sup> )	Floor Area (m <sup>2</sup> )
1	Tyre Repair Workshop with Site Office and Storage	1-2	5.5	770	770 + 30 = 800
2	Storage and Site Office	2	5.0	37	37 + 30 = 67
3	Storage of Trailer Parts with Site Office, Toilet	1	5.5	812	812
4	Site Office	1	2.5	15	15
5	Storage and Site Office	2	5.0	15	30
6	Site Office and Toilet	1-2	5.0	109	109 + 15 = 124
7	Site Office and Toilet	1	3.0	96	96
8	Site Office and Storage	1-2	6.0	347	347 + 120 = 467
9	Site Office	1	2.5	15	15
10	Site Office	1	2.5	15	15
11	Site Office	2	5.0	149	149 x 2 = 298
12	Site Office and Storage	1	5.0	188	188
13	Storage	1	2.5	15	15
14	Storage	1	2.5	15	15
15	Storage	1	2.5	15	15
16	Site Office	2	5.0	30	30 x 2 = 60
17	Storage and Site Office	1	5.0	114	114
18	Storage and Site Office	1-2	5.0	285	285 + 60 = 345
19	Toilet	1	3.0	7	7
20	Site Office	2	5.0	15	15 x 2 = 30
21	Site Office	1	2.5	15	15
22	Storage	1	2.5	15	15
23	Site Office	2	5.0	15	15 x 2 = 30
24	Site Office	1	2.5	30	30
25	Site Office	2	5.0	15	15 x 2 = 30
26	Site Office	1	2.5	15	15
27	Site Office	2	5.0	15	15 x 2 = 30
28	Toilet	1	3.0	7	7
29	Site Office	2	5.0	39	39 x 2 = 78
30	Site Office	1	2.5	16	16
31	Site Office	1	2.5	34	34
32	Site Office	2	5.0	84	84 x 2 = 168
33	Site Office	1	2.5	56	56
34	Site Office and Storage	2	5.0	87	87 x 2 = 174
35	Storage	1	2.5	15	15
36	Storage	1	2.5	15	15
37	Storage	1	2.5	15	15
38	Site Office and Storage	1	2.5	67	67
39	Storage	1	2.5	15	15
40	Storage	1	2.0	30	30 + 15 = 45
41	Toilet	1	2.0	6	6
42	Toilet	1	2.5	15	15
43	Covered Parking Space for Staff	1	2.5	15	15
44	Covered Parking Space for Staff	1	2.5	15	15
45	Site Office	1	2.5	15	15
46	Site Office	1	2.5	15	15
47	Covered Parking Space for Staff	1	2.5	15	15
48	Site Office and Storage	1-2	5.5	245	245 + 60 = 305

Top Bright Consultants Ltd.

Drawing No. :TB/22/763/05A

**Details of Temporary Structures**

Lot 769RP(Part) in DD99,  
San Tin, Yuen Long, N.T.

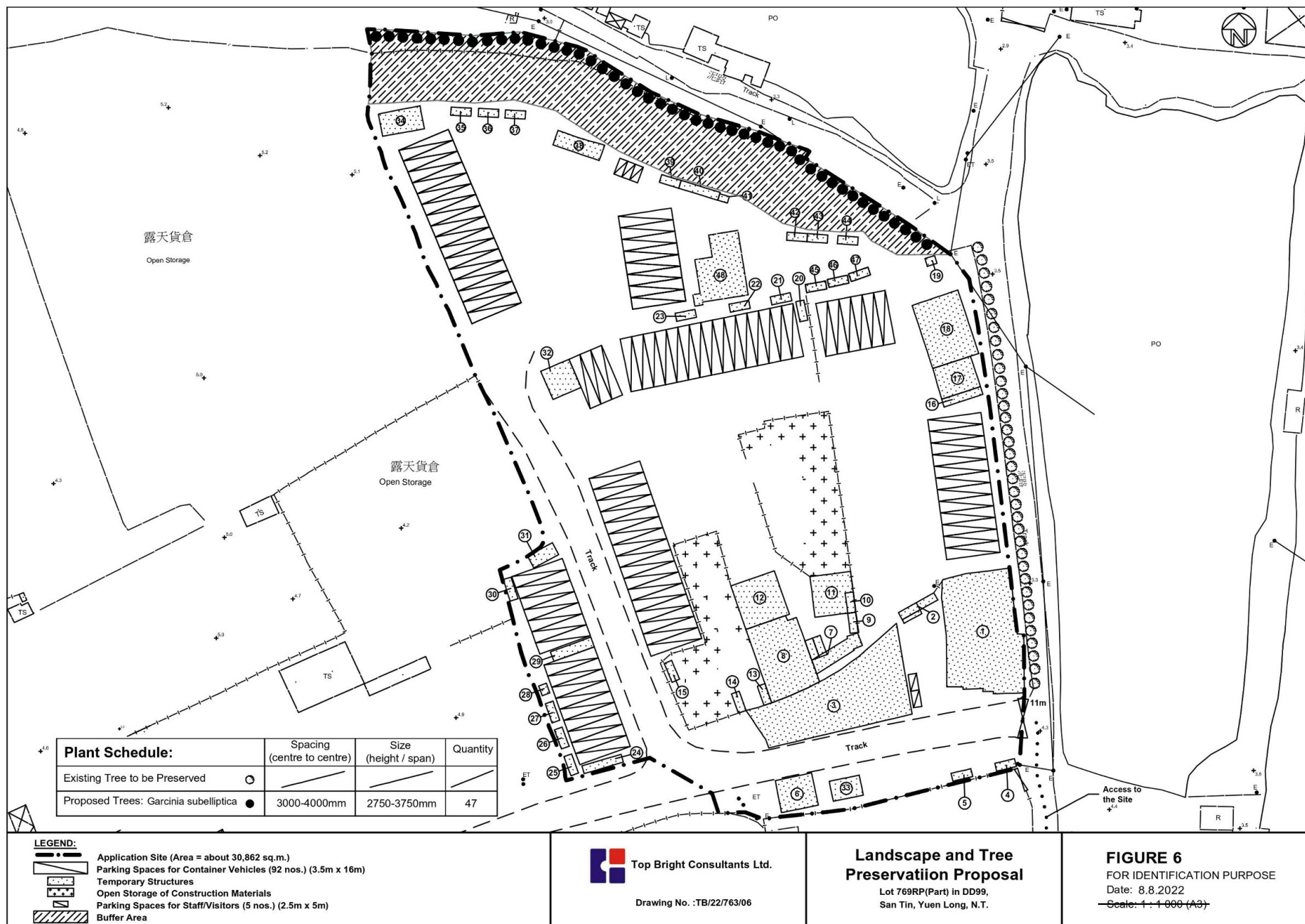
**FIGURE 5A**

FOR IDENTIFICATION PURPOSE  
Date: 11.4.2022

(摘錄自申請人於 14. 4. 2022 呈交的申請書)  
(Extract from Applicant's  
Submission of 14.4.2022)

參考編號  
REFERENCE No.  
A/YL-ST/616

繪圖  
DRAWING  
A - 2



(摘錄自申請人於 9. 8. 2022 呈交的進一步資料)  
(Extract from Applicant's Further  
Information Submitted on 9.8.2022)

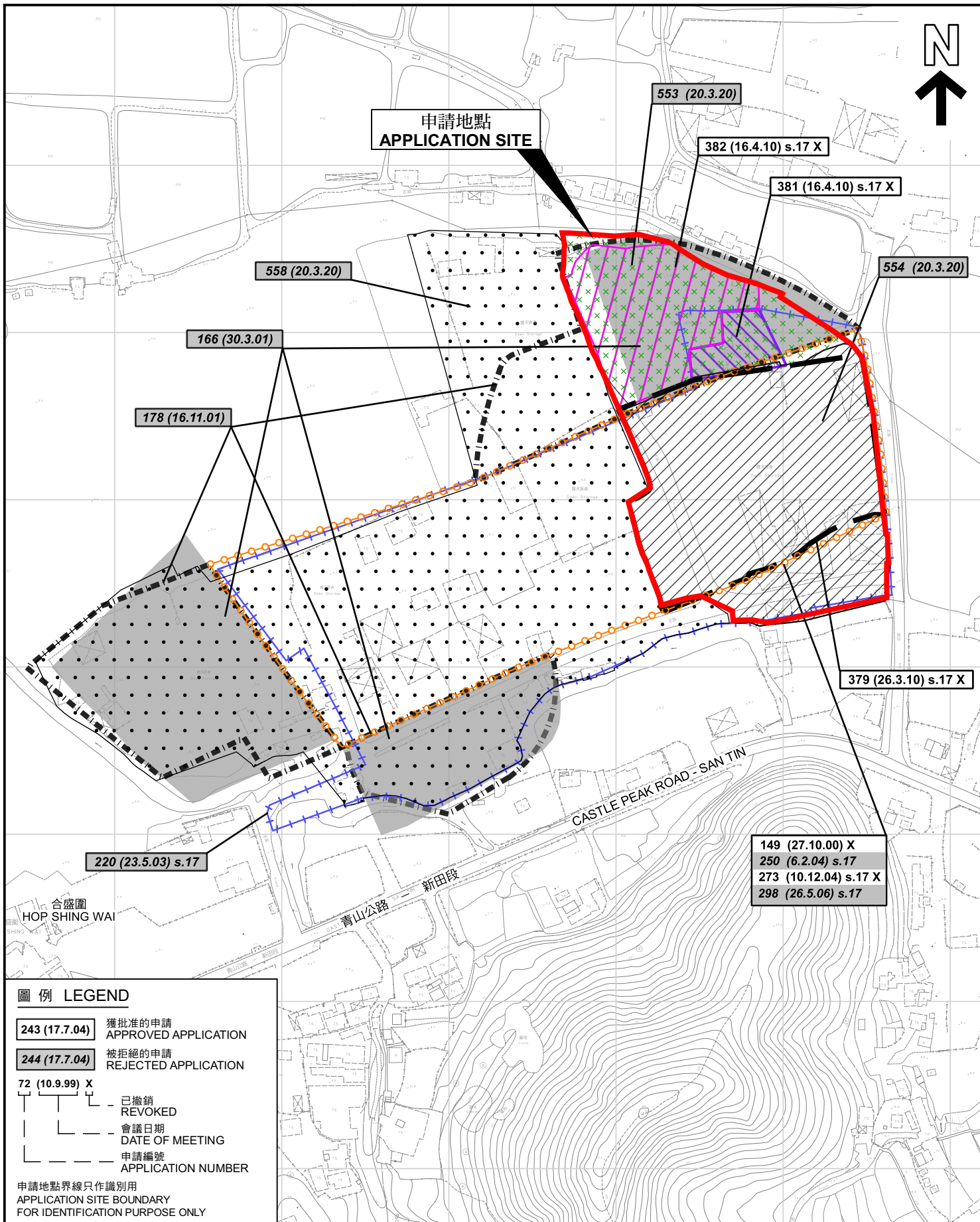
參考編號  
REFERENCE No.  
A/YL-ST/616

繪圖  
DRAWING  
A - 3









#### 先前及同類申請圖 PREVIOUS AND SIMILAR APPLICATION PLAN

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
元朗新田丈量約份第99約地段第769號餘段（部份）  
TEMPORARY CONTAINER VEHICLE PARK AND  
OPEN STORAGE OF CONSTRUCTION MATERIALS WITH  
ANCILLARY TYRE REPAIR AREA, SITE OFFICE AND  
STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

SCALE 1: 3 000 比例尺

米 50 0 50 100 米  
METRES

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-1b

本摘要圖於2022年12月21日擬備，  
所根據的資料為測量圖編號2-SE-7C、  
7D、12A 及 12B  
EXTRACT PLAN PREPARED ON 21.12.2022  
BASED ON SURVEY SHEET  
No. 2-SE-7C, 7D, 12A & 12B







#### 圖例 LEGEND

 申請地點（界線只作識別用）  
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)

本摘要圖於2022年12月23日擬備，所根據的資料為地政總署於2022年1月19日拍得的航攝照片編號 E146640C  
EXTRACT PLAN PREPARED ON 23.12.2022 BASED ON AERIAL PHOTO No. E146640C TAKEN ON 19.1.2022 BY LANDS DEPARTMENT

#### 航攝照片 AERIAL PHOTO

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
元朗新田丈量約份第99約地段第769號餘段（部份）  
TEMPORARY CONTAINER VEHICLE PARK AND  
OPEN STORAGE OF CONSTRUCTION MATERIALS WITH  
ANCILLARY TYRE REPAIR AREA, SITE OFFICE AND  
STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-3



1



2



申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
元朗新田丈量約份第99約地段第769號餘段（部份）  
TEMPORARY CONTAINER VEHICLE PARK AND  
OPEN STORAGE OF CONSTRUCTION MATERIALS WITH  
ANCILLARY TYRE REPAIR AREA, SITE OFFICE AND  
STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

本圖於2022年12月28日擬備，所根據的  
資料為攝於2022年12月20日的實地照片  
PLAN PREPARED ON 28.12.2022  
BASED ON SITE PHOTOS  
TAKEN ON 20.12.2022

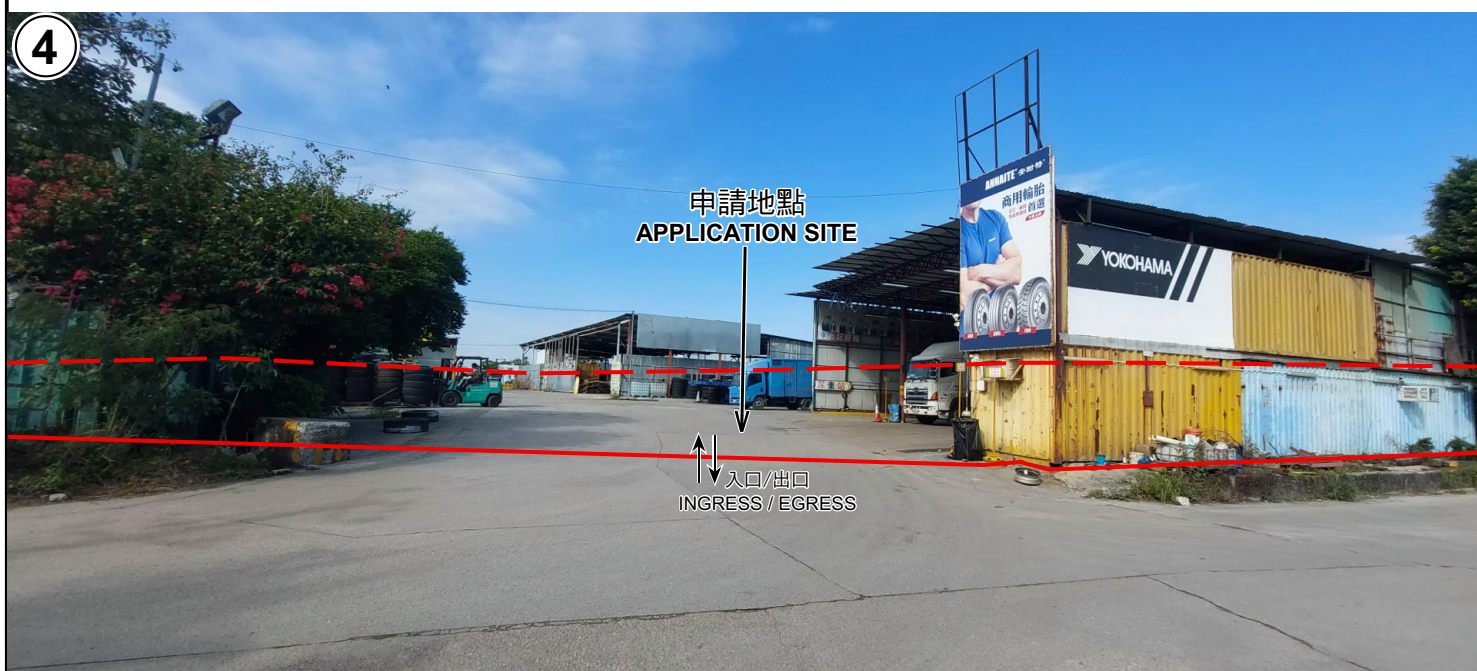
規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-4a





申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
元朗新田丈量約份第99約地段第769號餘段（部份）  
TEMPORARY CONTAINER VEHICLE PARK AND  
OPEN STORAGE OF CONSTRUCTION MATERIALS WITH  
ANCILLARY TYRE REPAIR AREA, SITE OFFICE AND  
STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

本圖於2022年12月28日擬備，所根據的  
資料為攝於2022年12月20日的實地照片  
PLAN PREPARED ON 28.12.2022  
BASED ON SITE PHOTOS  
TAKEN ON 20.12.2022

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-4b



5



6



7



申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
元朗新田丈量約份第99約地段第769號餘段（部份）  
TEMPORARY CONTAINER VEHICLE PARK AND  
OPEN STORAGE OF CONSTRUCTION MATERIALS WITH  
ANCILLARY TYRE REPAIR AREA, SITE OFFICE AND  
STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

本圖於2023年1月9日擬備，所根據的  
資料為攝於2022年12月20日的實地照片  
PLAN PREPARED ON 9.1.2023  
BASED ON SITE PHOTOS  
TAKEN ON 20.12.2022

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-4c



8



申請地點  
APPLICATION SITE

9



申請地點  
APPLICATION SITE

10



申請地點  
APPLICATION SITE

申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
元朗新田丈量約份第99約地段第769號餘段（部份）  
TEMPORARY CONTAINER VEHICLE PARK AND  
OPEN STORAGE OF CONSTRUCTION MATERIALS WITH  
ANCILLARY TYRE REPAIR AREA, SITE OFFICE AND  
STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

本圖於2023年1月9日擬備，所根據的  
資料為攝於2022年12月20日的實地照片  
PLAN PREPARED ON 9.1.2023  
BASED ON SITE PHOTOS  
TAKEN ON 20.12.2022

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-4d



11



申請地點  
APPLICATION SITE

12



申請地點  
APPLICATION SITE

13



申請地點  
APPLICATION SITE

申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
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STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

本圖於2023年1月9日擬備，所根據的  
資料為攝於2022年12月20日的實地照片  
PLAN PREPARED ON 9.1.2023  
BASED ON SITE PHOTOS  
TAKEN ON 20.12.2022

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-4e



14



申請地點  
APPLICATION SITE

15



申請地點  
APPLICATION SITE

16



申請地點  
APPLICATION SITE

申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

臨時貨櫃車停車場及露天存放建築材料連  
附屬車胎維修處、地盤辦公室及存放用途（為期 2 年）  
元朗新田丈量約份第 99 約地段第 769 號餘段（部份）  
TEMPORARY CONTAINER VEHICLE PARK AND  
OPEN STORAGE OF CONSTRUCTION MATERIALS WITH  
ANCILLARY TYRE REPAIR AREA, SITE OFFICE AND  
STORAGE USES FOR A PERIOD OF 2 YEARS  
LOT 769 RP (PART) IN D.D. 99, SAN TIN, YUEN LONG

本圖於 2023 年 1 月 9 日擬備，所根據的  
資料為攝於 2022 年 12 月 20 日的實地照片  
PLAN PREPARED ON 9.1.2023  
BASED ON SITE PHOTOS  
TAKEN ON 20.12.2022

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/YL-ST/616

圖 PLAN  
A-4f



**Agenda Item 53**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/616            Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)” Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/616B)

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**Presentation and Question Sessions**

181.            With the aid of some plans, Ms Christine C.M. Cheung, STP/FSYLE, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

182.            A Member said that a large number of open storage and warehouse uses would be relocated due to the planned New Development Areas (NDAs) and asked what the reprovisioning arrangement was. In response, the Chairman explained that a number of brownfield operations had been displaced to make way for NDA developments. A multi-pronged strategy had been adopted by the Government, including (i) compensation in accordance with the established mechanism; (ii) planned development of multi-storey buildings, with a pilot scheme in Hung Shui Kiu, for brownfield operations to re-establish; (iii) making available suitable Government sites by way of short term tenancy by Lands Department (LandsD); and (iv) providing assistance/advice on planning/land matters by PlanD and LandsD respectively to the affected brownfield operators to facilitate planning application or lands procedures at the relocation sites. Planning permissions were previously granted by the Committee for reprovisioning of brownfield uses affected by NDAs though the reprovisioning scale might not be like for like.

183.            A Member further queried whether the application site (the Site) was located within any NDA area. In response, the Chairman said that the Site fell within the study area

of the Feasibility Study of San Tin/Lok Ma Chau Development Node but the current application was assessed and recommended for rejection based on the planning intention of the current “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone.

#### Deliberation Session

184. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the development is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board (TPB) Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12C) in that the applicant fails to demonstrate that the proposed development is compliant with the intention of the Wetland Buffer Area to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (c) the development is not in line with the TPB Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13F) in that the applicant has failed to demonstrate that the development would not result in adverse noise and water quality impacts on the surrounding areas. Approval of the application would result in a general degradation of the

environment in the areas.”

[Mr K.L. Wong left the meeting at this point.]

**Agenda Item 54**

**Section 16 Application**

[Open Meeting]

A/YL-ST/635      Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years in “Undetermined” Zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/635)

185.      The Committee noted that the application was for renewal of a planning approval and the Planning Department considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in the Paper.

**Deliberation Session**

186.      After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 29.1.2023 to 28.1.2026 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following 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



城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices  
333 Java Road, North Point,  
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函編號 Your Reference:

By Post & Fax (2401 0973)

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-ST/616

3 February 2023

Top Bright Consultants Ltd.  
Room 103, 300 Kung Um Road  
Yuen Long, New Territories  
(Attn.: Adam Chow / Raymond Leung)

Dear Sir/Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials  
with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of  
2 Years in "Other Specified Uses" annotated "Comprehensive Development to include  
Wetland Restoration Area" Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long**

I refer to my letter to you dated 28.11.2022.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development is not in line with the TPB Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12C) in that you fail to demonstrate that the proposed development is compliant with the intention of the Wetland Buffer Area to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (c) the development is not in line with the TPB Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13F) in that you have failed to demonstrate that the development would not result in adverse noise and water quality impacts on the surrounding areas. Approval of the application would result in a general degradation of the environment in the areas.

A copy of the TPB Paper in respect of the application is available at TPB website at this link ([https://www.info.gov.hk/tpb/en/meetings/RNTPC/Agenda/711\\_rnt\\_agenda.html](https://www.info.gov.hk/tpb/en/meetings/RNTPC/Agenda/711_rnt_agenda.html)). The relevant extract of minutes of the TPB meeting held on 13.1.2023 is enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 24.2.2023). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Christine Cheung of Fanling, Sheung Shui & Yuen Long East District Planning Office at 3168 4033.

Yours faithfully,



( Leticia LEUNG )

for Secretary, Town Planning Board



才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Your Ref.: TPB/A/YL-ST/616

Our Ref.: TB/22/763/L08

February 20, 2023

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Email

Dear Sir/Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in “Other Specified Uses” annotated ‘Comprehensive Development to include Wetland Restoration Area’ (“OU (CDWRA)”) Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**  
**(Application No. A/YL-ST/616)**

We refer to your letter dated 3 February, 2023 in respect of the Town Planning Board’s decision not to approve the captioned application.

As instructed by the Applicant, we would like to apply for a review of the Board’s decision under section 17(1) of the Town Planning Ordinance.

Should you have any queries or require further information, please feel free to contact the undersigned at 2401 0173 or Mr. Raymond Leung at [REDACTED].

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

Adam Chow

Encls.



才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Your Ref.: TPB/A/YL- ST/616  
Our Ref.: TB/23/806/L02

July 10, 2023

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Email

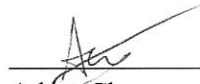
Dear Sir/Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in “Other Specified Uses” annotated ‘Comprehensive Development to include Wetland Restoration Area’ (“OU (CDWRA)”) Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**  
**(Application No. A/YL-ST/616)**

With reference to the comments suggested by Environmental Protection Department dated 22.12.2022, we submit herewith the RtoC table for your further consideration.

Should you have any queries or require further information, please feel free to contact the undersigned at 2401 0173.

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

  
Adam Chow

Encls.

## Annex 1: Responses to Comments from Various Government Departments on Planning Application No. A/YL-ST/616

COMMENTS	RESPONSES
<b>1. Environmental Protection Department</b>	
<p>(a) The revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) is applicable in handling this planning application. With reference to the COP, the use will generate traffic of heavy vehicles and we understand from PlanD that there are residential uses within 100m from the subject site boundary and within 50m of the access road. In particular, please note that according to section 1.3 of the COP, “Heavy vehicles to and from sites of temporary uses are not actionable under existing ordinances. Even though the traffic noise from vehicles does not exceed the HKPSG criterion, it might still cause noise nuisances to residents and lead to complaints.</p>	<p>(a) Operation hours of the Site will be from 0800 to 1800 pm and 24 hours for container vehicle parking but no entry/exit other than 0800 to 1800. Hence, no any noisy operation will be happened during evening and nighttime periods (i.e., 1900 to 0700). As such, no noise nuisance will be generated from the Site operation during evening and nighttime periods.</p> <p>In order to protect a few low-rise village houses and scattered temporary structures that are still occupied and scattered near the site boundary, the Applicant has committed that a 2 m high solid boundary fence walls will be erected to screen off the possible noise and its nuisance that could emanate from the Site. The solid boundary fence walls will be considered effectively mitigated the noise nuisance as it cuts off the noise transmission path between noise sources of the Site and the low-rise village houses / scattered temporary structures.</p> <p>To further minimise the noise nuisances due to the vehicle movement from the Site, vehicle speed within the Site will be restricted to &lt;8 kph. The ground surface of the local access road will be well paved and leveled without irregularity.</p> <p>With implementation of the above noise mitigation measures in place, the use would not cause adverse noise nuisances upon to the nearby noise sensitive receivers.</p>

# Annex 1

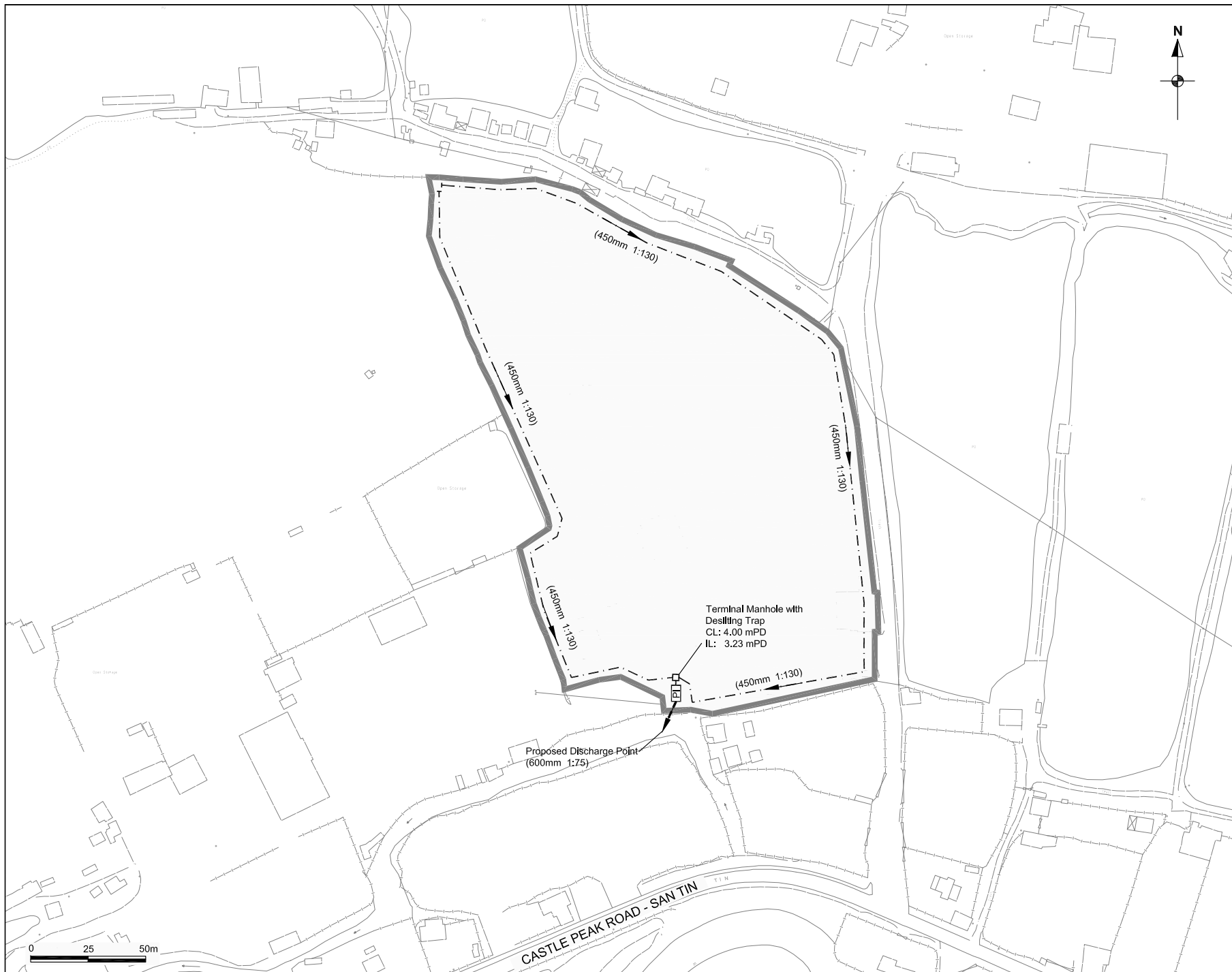
## Responses to Departmental Comments (Application No. A/YL-ST/616)

COMMENTS	RESPONSES
<p>(b) RtCI: Please provide a drainage management plan with a layout plan to discuss and demonstrate how the mitigation measures would be implemented.</p>	<p>(b) A preliminary drainage layout plan is attached. The following mitigation measures will be implemented:</p> <ol style="list-style-type: none"> <li>1. All site area will be hard paved to minimise exposed surface and soil erosion.</li> <li>2. Proper surface channels with screening facilities will be provided along the site boundary. Surface run-off within the Site should be properly collected to avoid uncontrolled spillage of runoff.</li> <li>3. Screening facilities which is capable of screening off large substances such as fallen leaves and rubbish should be provided at the inlet of drainage system.</li> <li>4. Silt traps and oil interceptors will be incorporated to remove particles present in stormwater runoff.</li> <li>5. Good management measures such as regular cleaning and sweeping of road surface/ open areas is suggested. The road surface/ open area cleaning should also be carried out prior to occurrence of rainstorm.</li> </ol>
<p>(c) There is lack of information on the sewage treatment for the on-site facilities. The applicant shall supplement more information such as the number of employees that would be involved for the proposed use, arrangement for sewage treatment, etc.</p>	<p>(c) Number of employees of the proposed use will be up to 10. Portable toilets will be provided on-site. All sewage with sludge generated from the toilets should be removed and transported off-site by tankers to sewage treatment works for disposal once a week or at frequency as needed.</p>
<p>(d) Please clarify whether there would be kitchen/canteen facilities in the captioned site. If they are present, how would wastewater from the facilities be handled.</p>	<p>(d) We clarify that no kitchen/canteen facilities will be provided with the Site.</p>
<p>(e) Please confirm whether petrol filling stations would still be</p>	<p>(e) We clarify that no petrol filling station will be provided with the Site.</p>

# Annex 1

*Responses to Departmental Comments (Application No. A/YL-ST/616)*

COMMENTS	RESPONSES
<p>present. If so, proper mitigation measures, such as hard paving, petrol interceptor, floor drainage, etc. shall be proposed to prevent potential land contamination and thus groundwater contamination.</p>	
<p>(f) Relevant mitigation measures suggested in the ProPECC PN 1/94 "Construction Site Drainage" to prevent adverse water quality impact from operation of the open storage of construction materials should be implemented.</p>	<p>(f) Noted. Relevant mitigation measures suggested in the ProPECC PN 1/94 should be implemented during the site operation.</p>
<p>(g) Relevant regulations, guidelines and best practices, e.g. WPCO, ProPECC PN 1/94 "Construction Site Drainage", ProPECC PN 5/93 "Drainage Plans Subject to Comment by the Environmental Protection Department", etc. shall be complied and followed.</p>	<p>(g) Noted. Relevant regulations, guidelines and best practices should be complied and followed.</p>



PROJECT NO :

P037\_145

PROJECT TITLE :

Temporary Container  
Vehicle Park and Open  
Storage of Construction  
Materials with Ancillary Tyre  
Repair Area, Site Office and  
Storage Uses for a Period of  
2 Years at Lot 769 RP (Part)  
in D.D. 99, San Tin, Yuen  
Long, New Territories  
(Application No.:  
A/YL-ST/616)

FIGURE TITLE :

## Preliminary Drainage Layout Plan

LEGEND :

 Site Boundary

➡ Proposed U-channel

☐ Proposed Catchpit / Manhole

PI	Proposed Petrol Interceptor
----	--------------------------------

FIGURE NO :

1

DATE :

2023-07-05

CONSULTANT :

Skyline Consultants Ltd





才鴻顧問有限公司  
TOP BRIGHT CONSULTANTS LIMITED

Your Ref.: TPB/A/YL-ST/616

Our Ref.: 23/806/L04

December 5, 2023

Secretary  
Town Planning Board  
15/F., North Point Government Offices  
333 Java Road, North Point  
Hong Kong

By Email


Dear Sir/Madam,

**Review on Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of Two Years in “Other Specified Uses” annotated ‘Comprehensive Development to include Wetland Restoration Area’ (“OU (CDWRA)”) Zone at Lot 769RP (Part) in DD 99, San Tin, Yuen Long, New Territories**  
**(Application No. A/YL-ST/616)**

With reference to the comments suggested by Environmental Protection Department dated 10.10.2023, we submit herewith the RtoC table for your further consideration.

Should you have any queries, please feel free to contact the undersigned at 2401 0173.

Yours faithfully,  
For and on behalf of  
Top Bright Consultants Ltd.

  
Adam Chow

Encls.

Responses to Comments from Environmental Protection Department on Planning Application No. A/YL-ST/616

	Comments	Responses
a	<p>The revised “Code of Practice on Handling the Environmental Aspects of Temporary ‘Uses and Open Storage Sites” (the COP) is applicable in handling this planning application. With reference to the COP, the use will generate traffic of heavy vehicles and we understand that there are village houses within 100m from the subject site boundary. In particular, please note that according to section 1.3 of the CoP, “Heavy vehicles to and from sites of temporary uses are not actionable under existing ordinances: Even though the traffic noise from vehicles’ does not exceed the HKPSG criterion, it might still cause noise nuisances to residents and lead to complaints. Noise nuisances, for example. can be due to traffic of heavy vehicles, which can be particularly disturbing during early morning or nighttime hours.”</p>	<p>Operation hours of the Site will be from 0800 to 1800 pm and 24 hours for container vehicle parking but no entry/exit other than 0800 to 1800. Hence, no any noisy operation will be happened during evening and nighttime periods (i.e., 1900 to 0700). As such, no noise nuisance will be generated from the Site operation during evening and nighttime periods.</p> <p>The container industry has not fully recovered yet after Covid-19. According to the Applicant, the proposed development would involve a maximum of 10 vehicles visiting the Application Site per hour from 0800 to 1800 pm, which is less than the original estimation (15 vehicles). The noise nuisance due to traffic of heavy vehicles will not be significant.</p>
b	<p>The FI has not yet fully addressed our previous comment concerning to the potential noise nuisance caused by the associated traffic from the proposed development. While the FI has clarified that the proposed development will not have any night-time operation, the applicant should also address the potential noise nuisances caused by the associated traffic in daytime during the operation hours of the proposed development given the relatively nature and scale of the proposed development with the provision of heavy vehicle parking spaces.</p>	<p>Noise nuisances generated from the heavy vehicles would be much depending on the travelling speed as well as the number of vehicles passing within a certain period of time.</p> <p>Operation hours of the Site will be from 0800 to 1800 pm. During the operation hours, the vehicle speed within the Site will be restricted to &lt;8 kph. The ground surface of the local access road will also be well paved and leveled without irregularity. Therefore, the noise nuisance will be minimized.</p>

c	<p>It is noted that based on the site visit report dated 12.12.2022 provided by PlanD, residential dwellings are found at approximately 13m and 88m to the north and southeast of the site, respectively. The proposed uses at the Site, i.e. temporary container and goods vehicle park and open storage of construction materials with ancillary tyre repair area and storage uses, should constitute as planned fixed noise sources which shall be designed to comply with the HKPSG requirement (i.e. ANL-5 dB(A) or the prevailing background noise level) and is controlled by the NCO, Given the close proximity of the NSRs, the applicant should conduct a quantitative fixed noise assessment to demonstrate that the proposed development will be designed to comply with the HKPSG and NCO.</p>	<p>A quantitative fixed noise assessment is preparing now. More time is required to conduct.</p>
d	<p>According to RtC Item 1 (a), the applicant has committed to erecting 2m high solid boundary fence wall to cut off the line of sight from the noise sources of the Site to the nearby NSRs. It is noted that there are a total of 48 structures with as height of 1 – 2 storeys/ 2.5m – 6m for ancillary tyre repair area and storage uses at the proposed development. Based on desktop review, some residential dwellings up the 2-storeys can be found in the vicinity. Based on our comments in 3(c) above, the applicant shall review the adequacy of the proposed 2m solid boundary wall and demonstrate the boundary walls would effectively mitigate the noise in concern.</p>	<p>To further minimize the noise nuisances due to the vehicle movement from the Site, the Applicant committed to erect higher, i.e. 3m solid boundary fence walls to screen off the possible noise and its nuisance that could emanate from the Site. The solid boundary fence walls will be considered effectively mitigated the noise nuisance as it cuts off the noise transmission path between noise sources of the Site and the low-rise village houses / scattered temporary structures.</p>

e	<p>The applicant should also clarify if the planned noise sensitive uses under the proposed development, e.g. offices, be provided with acoustic insulation (e.g. air-conditioning &amp; mechanical ventilation) so that they will not rely on opened window/door for ventilation. If negative and they shall rely on opened window/door for ventilation, the applicant should also be required to address the potential noise impact on the noise sensitive uses of the proposed development and propose mitigation measures to minimize the impact as necessary.</p>	<p>We clarify that the offices are provided with acoustic insulation (e.g. air-conditioning &amp; mechanical ventilation). They will not rely on opened window/door for ventilation.</p>
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**Relevant Extract of 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)**

According to TPB PG-No.13G, the Site falls within Category 4 areas. The following criteria are relevant:

- (a) applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/ proposals have been included in the fresh application, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Planning permission for a maximum period of 3 years may be allowed for an applicant to identify suitable sites for relocation. Application for renewal of approval will be assessed on its individual merits; and
- (b) taking into account the demand for cross-boundary parking facilities, applications for such use at suitable sites in areas of close proximity to the boundary crossing points, such as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Notwithstanding the criteria set out in paragraphs 2.1(c) and (d) above, application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

<b>No.</b>	<b>Application No.</b>	<b>Use(s) / Development(s)</b>	<b>Date of Consideration (RNTPC/TPB)</b>
1.	A/YL-ST/149	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 3 Years	27.10.2000 Approved by RNTPC (up to 3.3.2003) [Revoked on 27.4.2002]
2.	A/YL-ST/273	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 1 Year	10.12.2004 Approved by TPB on review (12 months) [Revoked on 10.11.2005]
3.	A/YL-ST/379	Temporary Container Storage Yard and Container Vehicle Park with Ancillary Vehicle Repair Area and Site Office for a Period of 3 Years	26.3.2010 Approved by TPB on review (6 months) [Revoked on 26.6.2010]
4.	A/YL-ST/381	Temporary Tyre Repair Workshop with Ancillary Site Office for a Period of 3 Years	16.4.2010 Approved by TPB on Review (6 months) [Revoked on 16.7.2010]
5.	A/YL-ST/382	Temporary Container Vehicle Park for a Period of 3 Years	16.4.2010 Approved by TPB on Review (6 months) [Revoked on 16.7.2010]

**Rejected Applications**

<b>No.</b>	<b>Application No.</b>	<b>Use(s) / Development(s)</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Rejection Reason(s)</b>
1.	A/YL-ST/166	Temporary Container Tractor/Trailer Park for a Period of 3 Years	30.3.2001 Rejected by RNTPC	1, 2, 3, 4
2.	A/YL-ST/178	Temporary Container Tractor/Trailer Park for a Period of 3 Years	16.11.2001 Rejected by RNTPC	1, 2, 3, 4
3.	A/YL-ST/220	Temporary Container Tractor/Trailer Park & Open Storage of Building Machinery for a Period of 3 Years	23.5.2003 Rejected by TPB on Review	1, 2, 4, 5
4.	A/YL-ST/250	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of One Years	6.2.2004 Rejected by TPB on Review	1, 2, 3, 4
5.	A/YL-ST/298	Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 12 Months	26.5.2006 Rejected by TPB on Review	1, 2
6.	A/YL-ST/553	Temporary Container Vehicle Park with Ancillary Site Office and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1, 2, 3, 6
7.	A/YL-ST/554	Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1, 2, 3, 6

No.	Application No.	Use(s) / Development(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
8.	A/YL-ST/578	Temporary Container and Goods Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre and Vehicle Repair Areas, Site Office, Staff Canteen and Storage Uses for a Period of 18 Months	14.5.2021 Rejected by RNTPC	1, 2, 3, 4

Rejection Reasons

1. The proposed development was not in line with the planning intention for the area. There was no strong planning justification for a departure from the planning intention, even on a temporary basis.
2. The development had not met/did not comply with Town Planning Board (TPB) Guidelines for “Application for Developments within Deep Bay Buffer Zones” and/or “Application for Open Storage and Port Back-up Uses”.
3. Approval of the proposed development would set an undesirable precedent for uncoordinated conservation proposals/for other similar applications within the zone/will result in a general degradation of the environment in Deep Bay area.
4. There was insufficient information to demonstrate that the development would not have adverse traffic, noise, drainage, water quality, sewerage and visual impacts on the surrounding areas / The applicant failed to demonstrate the proposed development was compliant with the intention of the Wetland Buffer Area (WBA) to protect the ecological integrity of the fish ponds and wetland within the WBA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.
5. As a large portion of the site falls within the gazetted scheme boundary of the Eastern Main Drainage Channel for San Tin, approval of the application, even on temporary basis, would jeopardize the implementation of the drainage channel project.
6. There were adverse departmental comments on the environmental, ecological and landscape impacts and local objections.



**Similar s.16 Applications in the vicinity of the Site within the same “OU(CDWRA)” Zone on the Approved San Tin Outline Zoning Plan No. S/YL-ST/8 in the Past Five Years**

**Rejected Applications**

No.	Application No.	Use(s)/Development(s)	Date of Consideration (by RNTPC/TPB)	Rejection reason(s)
1.	A/YL-ST/547	Temporary Container Vehicle Park with Ancillary Facilities (including Site Office and Storage) for a Period of 3 Years	13.3.2020 Rejected by TPB on Review	1
2.	A/YL-ST/558	Temporary Container and Goods Vehicle Park with Ancillary Site Office, Vehicle Repair Area, Staff Canteen and Storage Uses for a Period of 3 Years	20.3.2020 Rejected by RNTPC	1-4

**Rejection Reasons**

1. The development was not in line with the planning intention of the site/area.
2. The development had not met/did not comply to TPB Guidelines for “Application for Developments within Deep Bay Buffer Zones” and/or “Application for Open Storage and Port Back-up Uses”.
3. Approval of the proposed development would set an undesirable precedent for uncoordinated conservation proposals/for other similar applications within the zone/would result in a general degradation of the environment in Deep Bay area.
4. There were adverse departmental comments on the environmental, ecological and landscape impacts and local objections.

**Recommended Advisory Clauses**

- (a) The application site (the Site) falls within the boundary of San Tin Technopole. The Site may be resumed by the Government and that the proposed operation at the Site may be terminated at any time during the planning approval period for implementation of government projects;
- (b) Prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner will need to immediately apply to LandsD to permit the structures to be erected or regularise any irregularity on site, if any. Besides, given the applied use is temporary in nature, only application(s) for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner of Transport (C for T) that the Site is connected to public road network via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly. The applicant should seek the relevant land owners on the right of using the vehicular access;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin. Adequate drainage measures should be provided at the Site to prevent surface water running from the Site to the nearby public roads/drains;
- (f) to note the comment of the Director of Environmental Protection (DEP) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental impacts on the surrounding areas and should there be any discharges from the site during construction and operation phases, discharge license under the Water Pollution Control Ordinance (WPCO) shall be obtained, and the effluent shall be pre-treated to ensure compliance with WPCO requirements;
- (g) to note the comment of the Director of Agriculture, Fisheries and Conservation (DAFC) to adopt effective measures such as buffer planting to minimise disturbances to the more sensitive areas in the Wetland Conservation Area in Deep Bay area;

- (h) to note the comment of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (i) to note the comments of the Director of Fire Services (D of FS) to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage (**Appendix**) should be adhered to. The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval to address the approval condition on “the provision of fire extinguisher(s) within 6 weeks from the date of planning approval”. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans (BPs). The applicant is reminded that pursuant to Section 6 of the Dangerous Goods Ordinance, Cap. 295, Laws of Hong Kong, and person manufacture, store, convey or use any dangerous goods (DG) in excess of its statutory exempt quantity shall require a Dangerous Goods Licence;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site;
  - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
  - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
  - (iv) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
  - (v) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;

- (vi) the Site does not abut on a specified street of not less than 4.5m wide, and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the BPs submission stage;
  - (vii) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and are subject to the control of Part VII of B(P)R; and
  - (viii) detailed checking under BO will be carried out at the BPs submission stage; and
- (k) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the drainage proposal should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow, etc.) with supporting design calculations & charts should be included. For preparation of the proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at:  
  
*[http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf)*
  - (ii) the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site;
  - (iii) as the site area is large, the drainage impact of the development may be significant. As such, the applicant has to refer to DSD Advice Note No.1 and to submit a comprehensive drainage impact assessment in accordance with DSD Advice Note No.1;
  - (iv) after completion of the required drainage works, the applicant shall provide DSD sets of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plans for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
  - (v) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
  - (vi) the applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
  - (vii) no public sewerage maintained by DSD is currently available for connection. No sewerage collected from the Site should be discharged to the drainage system. For sewage disposal and treatment, agreement from the DEP shall be obtained;

- (viii) the applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure unobstructed discharge from the Site in future; and
- (ix) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

# Good Practice Guidelines for Open Storage Sites

		Internal Access for Fire Appliances	Lot Boundaries (Clear Width)	Distance between Storage Cluster and Temporary Structure	Cluster Size	Storage Height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of Non-combustibles or Limited Combustibles	4.5m	2m	4.5m		
3.	Open Storage of Combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks : Smoking and naked flame activities shall not be allowed within the open storage /recycling site.



嘉道理農場暨植物園公司  
Kadoorie Farm & Botanic Garden Corporation

The Secretary,  
Town Planning Board,  
15/F, North Point Government Offices,  
333, Java Road, North Point,  
Hong Kong.  
(Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk))

22nd March 2023.

R-1

By email only

Dear Sir/ Madam,

**Temporary Container Vehicle Park and Open Storage of Construction Materials with  
Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years  
(A/YL-ST/616)  
(Review under Section 17)**

1. We refer to the captioned.
2. We in general agree with the reasons by the Board to reject this application; we also consider the proposed use is not in line with the planning intention of the relevant zoning and thus we urge the Board to reject this application.
3. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden



☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&publi



**Re: A/YL-ST/616 DD 99 San Tin Wetland Restoration**

23/03/2023 02:54

From:

To:

File Ref:

tpbpd <tpbpd@pland.gov.hk>

R-2

Dear TPB Members,

Rejection of the application on      was fully justified

- the development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area"
- the development is not in line with the TPB Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12C)
- the development is not in line with the TPB Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13F)

Members should question if enforcement action and restoration work have been initiated.

Mary Mulvihill

**From:**

**To:** tpbpd <tpbpd@pland.gov.hk>

**Date:** Tuesday, 10 May 2022 3:12 AM CST

**Subject:** A/YL-ST/616 DD 99 San Tin Wetland Restoration

A/YL-ST/616

Lot 769 RP (Part) in D.D. 99, San Tin

Site area : 30,862m<sup>2</sup>

Zoning : "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area"

Applied Use: 92 Container Vehicle Park / Open Storage of Construction Materials / 8 Vehicle Parking

Dear TPB Members,

Applications 553 and 554 were rejected on 20 March 2020. Applicant subsequently filed a review that was withdrawn.



There is no justification for the current application, particularly as the wetlands are part of the proposed conservation area to help mitigate the impact of the Northern Metropolis plan.

Members must again reject the application for the same reason quoted in 2020.

Mary Mulvihill

**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Thursday, 11 July 2019 2:15 AM CST  
**Subject:** A/YL-ST/554 DD 99 San Tin Wetland Restoration

A/YL-ST/554  
Lot 769 RP (Part) in D.D. 99, San Tin  
Site area : 20,780m<sup>2</sup>  
Zoning : "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area"  
Applied Use: 72 Container Vehicle Park / Open Storage of Construction Materials / 6 Vehicle Parking

Dear TPB Members,

Approval of the most recent application was revoked on 26 June 2010 As the applicant had failed to comply with conditions (e) to (l) satisfactorily

It is quite clear from Google map that the operation has never been terminated.

In view of the impact of global warming and research that indicates that degraded coastal **wetlands contribute to climate change**. Drainage and degradation of coastal **wetlands** emit significant amounts of carbon dioxide directly to the atmosphere and **lead** to decreased carbon sequestration, it is now time that steps be taken to commence work on the restoration of the wetlands in this area.

The first step will be to have brownfield sites like this relocate to high rise, custom built storage facilities complete with industrial lifts, parking, wash room and all the other amenities one would expect in a modern economy.

Illegal land use should not be rewarded.

Mary Mulvihill



長春社

Since 1968

**The Conservancy Association**

通訊地址: 九龍深水埗欽州街西 26 號賽馬會-長春社綠滿林廊

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Hub, 26 Yen Chow Street West, Sham Shui Po, Kowloon

網址 Website: www.cahk.org.hk

電話 Tel.: (852) 2728 6781 傳真 Fax.: (852) 2728 5538

電子郵件 E-mail: cahk@cahk.org.hk

11<sup>th</sup> August 2023

Town Planning Board  
15/F North Point Government Offices  
333 Java Road  
North Point  
Hong Kong

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,



Comments on the Section 17 Review of TPB's Section 16 Decision No. A/YL-ST/616

The Conservancy Association (CA) OBJECTS to the captioned application.

**1. Not in line with the planning intention of "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" (OU(CDWRA))**

According to the approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8, the planning intention of OU(CDWRA) is *"to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands"*.

Although the proposed uses, such as container vehicle park, open storage of construction materials, etc., are temporary in nature, all of them would not lead to restoration of degraded wetlands, not to say phasing out existing sporadic open storage. The application is clearly not in line with the planning intention of OU(CDWRA).

**2. Not in line with the Town Planning Board (TPB) PG-No. 12C**

According to the TPB PG-No.12C for Application for Developments within Deep Bay Area, the application site is located within Wetland Buffer Area (WBA) and very close to Wetland Conservation Area (WCA). The planning intention of WBA is *"to protect*



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## The Conservancy Association

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*the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds". It also states that "Applications for new open storage or container back-up uses including workshops within the WBA, whether temporary or permanent, would normally not be allowed in view of the adverse disturbances of such activities on birds, in particular for such uses involving filling of contiguous ponds. However, open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area".*

Fish ponds can be spotted in the eastern and northern part of the proposed application site. However, the applicant fails to explain how to ensure the ecological integrity of the fish ponds and wetland within WCA. We opine that this is not in line with the TPB Guideline No. 12C.

### **3. Not in line with the TPB PG-No.13G**

According to the TPB PG-No.13G for Application for Open Storage and Port Back-up Uses, the application site falls within Category 4 areas. It states that *"Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. For applications on sites...subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh application, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible".*

As mentioned above, there are fish ponds adjacent to the application site, but the applicant fails to demonstrate that how the application would not generate adverse environmental impacts on these fish ponds. Moreover, the proposed uses are in contradictory with the planning intention to phase out non-conforming uses from the area. We opine that this is not in line with the TPB Guideline No. 13F.



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## The Conservancy Association

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電子郵件 E-mail: [cahk@cahk.org.hk](mailto:cahk@cahk.org.hk)

#### 4. Undesirable precedent of “destroy first, build later”

This site has been subject to unauthorized development. Enforcement Notice (Case No. E/YL-ST/0412) has been issued by Planning Department. It is suspected that this is a case of “destroy first, build later”.

Planning Department and members of Town Planning Board (TPB) should alert that TPB has announced approaches to deter “destroy first, build later” activities in 2011. It stated that “*the Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned*”<sup>1</sup>. Therefore, this application should not be given any sympathetic consideration, or it will set an undesirable precedent for similar cases in future.

Yours faithfully,

Ng Hei Man

Campaign Manager

The Conservancy Association

<sup>1</sup> TPB Press Release. Available at: <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>



The Secretary,  
Town Planning Board,  
15/F, North Point Government Offices,  
333, Java Road, North Point,  
Hong Kong.  
(Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk))

Seq 1  
R-4

11th August 2023.

By email only

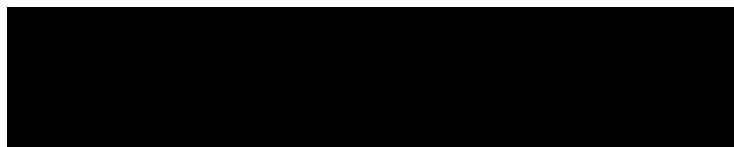
Dear Sir/ Madam,



**Temporary Container Vehicle Park and Open Storage of Construction Materials with  
Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years**  
**(A/YL-ST/616)**  
**(Review under Section 17)**

1. We refer to the captioned.
2. We in general agree with the reasons by the Board to reject this application; we also consider the proposed use is not in line with the planning intention of the relevant zoning and thus we urge the Board to reject this application.
3. We also urge the Board to liaise with relevant authorities as to whether there is ongoing enforcement case covering the application site; if yes, whether it is appropriate to approve this application.
4. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden



Secretary, Town Planning Board  
15/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
(E-mail: tpbpd@pland.gov.hk)



See 1  
R-5

By email only

11 August 2023

Dear Sir/Madam,

**Comments on the planning application for the proposed Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years at San Tin, Yuen Long (A/YL-ST/616) (Section 17)**

The Hong Kong Bird Watching Society (HKBWS) objects to the planning application based on the following reasons.

**1 Not in line with the planning intention of the “Other Specified Uses (for “Comprehensive Development to include Wetland Restoration Area” only)” (OU(WRA)) zoning and the Wetland Buffer Area (WBA) under the Town Planning Board Planning Guideline No. 12C**

- 1.1 Under the approved San Tin Outline Zoning Plan No. S/YL-ST/8, the application site is located within the OU(WRA) zone, where is intended “to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands.”<sup>1</sup>

<sup>1</sup> Approved San Tin Outline Zoning Plan No. S/YL-ST/8. Available at:  
[https://www2.ozp.tpb.gov.hk/plan/ozp\\_plan\\_notes/en/S\\_YL-ST\\_8\\_e.pdf](https://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-ST_8_e.pdf)

- 1.2 The application site is also located within WBA, where is *"to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds."*<sup>2</sup>
- 1.3 Referring to the previous applications (no. A/YL-ST/22, A/YL-ST/32, A/YL-ST/166, A/YL-ST/178, A/YL-ST/220, A/YL-ST/298, A/YL-ST/250, A/YL-ST/298, A/YL-ST/553, A/YL-ST/554 and A/YL-ST/558) at the same/adjacent sites, all the proposed container vehicle parks and open storage were rejected by the Board. Most of them are rejected because *'the development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU (CDWRA)") zone which is to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds.'* And *'the development does not comply with the revised Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" in that there is no information in the submission to demonstrate that the development would not have adverse disturbance impacts on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area.'*
- 1.4 We consider the proposed brownfield operation is not in line with the intention to phase out port back-up uses and prevent negative off-site disturbance impact on the fishponds ecosystem. Therefore, we urge the Town Planning Board (the Board) to reject this application.
- 2 The Town Planning Board should not encourage "destroy first, build later"**
- 2.1 Fourteen Enforcement Notices (Case no. E/YL-ST/029, E/YL-ST/067, E/YL-ST/069, E/YL-ST/138, E/YL-ST/229, E/YL-ST/271, E/YL-ST/272, E/YL-ST/283, E/YL-ST/291, E/YL-ST/292, E/YL-ST/293, E/YL-ST/294, E/YL-ST/412 and E/YL-ST/413) for the unauthorized development including container vehicle park and open storage were issued at the application site and the adjoining area

<sup>2</sup> Section 6.4 of the Town Planning Board Planning Guideline No. 12C. Available at: [https://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c\\_e.pdf](https://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c_e.pdf)



from 1996 to 2019.

- 2.2 The Google Earth aerial photograph in March 2023 reveals that the unauthorized container vehicle parking is still in operation (Figure 1). We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the OU(WRA) zone in Deep Bay area, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that “*the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.*”<sup>3</sup> We urge the Board to reject this application.

### 3 Set an undesirable precedent to the future development

The approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, build later” within the OU(WRA) zone, and thus nullifying the statutory planning control mechanism. We urge the Board to reject this application in order to protect OU(WRA) zone from any development threats.

### 4 Justifications for the decision and comments made by Government departments and the Board

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Board has the responsibility to, “*restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features*” and (iii), the Board has the responsibility to “*control adjoining uses to minimise adverse impacts on conservation zones and optimise their conservation value*”. We note that all other Government bureaux/departments are also bound to the HKPSG, and the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) have the responsibility to advise the Board on the ecological<sup>4</sup>

<sup>3</sup> TPB Press Release. Available at:  
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

<sup>4</sup> AFCD Role of Department. Available at:  
[http://www.afcd.gov.hk/english/aboutus/abt\\_role/abt\\_role.html](http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html)



and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity<sup>5</sup>, and the proposed development is not in line with the planning intention of the statutory zoning, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the Board feels otherwise, we urge that the appropriate justifications are provided.

The HKBWS respectfully requests the Board to take our comments into consideration and **reject** the current application. Thank you for your kind attention.

Yours faithfully,

The Hong Kong Bird Watching Society

<sup>5</sup> AFCD Vision and Mission. Available at:

[http://www.afcd.gov.hk/english/aboutus/vision\\_mission/abt\\_vision\\_mission.html](http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html)

