

RNTPC Paper
No. A/YL-ST/553B, 554B & 558B
For Consideration by
the Rural and New Town
Planning Committee
on 20.3.2020

APPLICATIONS FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/YL-ST/553, 554 and 558

- 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 Areas** : 9,988 m² (Application No. A/YL-ST/553)
20,780 m² (Application No. A/YL-ST/554)
60,659 m² (Application No. A/YL-ST/558)
- 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)”)
- Applications** : Temporary Container Vehicle Park with Ancillary Site Office and Storage Uses for a Period of 3 Years (Application No. A/YL-ST/553)
- 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 (Application No. A/YL-ST/554)
- Temporary Container and Goods Vehicle Park with Ancillary Site Office, Vehicle Repair Area, Staff Canteen and Storage Uses for a Period of 3 Years (Application No. A/YL-ST/558)

1. The Proposals

- 1.1 The applicant submitted the subject 3 applications for planning permissions to use the application sites (the Sites) for temporary container vehicle parks (with goods vehicle park for Application No. A/YL-ST/558, and with open storage of construction materials for Application No. A/YL-ST/554) with ancillary uses for a period of 3 years (**Plan A-1a**). The Sites are adjacent to each other and fall within areas 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 Sites are currently paved and used for the applied uses together with workshops (for Applications No. A/YL-ST/553 and 554) and fuel filling stations without valid planning permissions (**Plan A-2**).

1.2 The Sites are the subjects of 18 previous planning applications. Amongst them, 4 applications for residential developments and 8 for temporary container vehicle/tractor parks with workshop activities or temporary open storage of electricity accessories/construction machinery were rejected between 1993 and 2009. Six applications for temporary container tractor/trailer parks with/without open storages of building material, container storage yard or temporary tyre repair workshop were approved by the Rural and New Town Planning Committee (the Committee) or the Board on review between 1999 and 2010 (**Plans A-1b to A-1c**), but 5 of them were subsequently revoked due to non-compliance with approval conditions.

1.3 The Sites are accessible from Castle Peak Road – San Tin via local access. The layout plans, landscape plans, internal circulation and dimension plans, and details of temporary structures for the three applications are at **Drawings A-1 to A-10**. The major parameters of the applications are as follows:

	Application No. A/YL-ST/553	Application No. A/YL-ST/554	Application No. A/YL-ST/558
Site Area	9,988 m ²	20,780 m ²	60,659 m ²
Applied Use	Temporary Container Vehicle Park with Ancillary Site Office and Storage Uses	Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses	Temporary Container and Goods Vehicle Park with Ancillary Site Office, Vehicle Repair Area, Staff Canteen and Storage Uses
No. of Structures (Building Height, No. of Storeys)	15 (2-5.5m, 1-2 storeys)	28 (2.5-6m, 1-2 storeys)	68 (2.5-5.5m, 1-2 storeys)
Total Floor Area	747 m ²	3,259 m ²	8,534 m ²
No. of Parking Spaces	• 37 container vehicle parking spaces	• 72 container vehicle parking spaces	• 108 container vehicle parking spaces

	<ul style="list-style-type: none"> • 3 parking spaces for staff/visitors • 3 covered parking spaces for staff 	<ul style="list-style-type: none"> • 6 parking spaces for staff/visitors 	<ul style="list-style-type: none"> • 108 container trailer parking spaces • 12 medium goods vehicle parking spaces • 28 car parking spaces for staff/visitors
Operation Hours	9:00 a.m. to 6:00 p.m., Mondays to Saturdays, closed on Sundays and public holidays		

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

- (a) Application Forms for:
 Application No. A/YL-ST/553 received on 10.6.2019 **(Appendix Ia)**
 Application No. A/YL-ST/554 received on 12.6.2019 **(Appendix Ib)**
 Application No. A/YL-ST/558 received on 30.7.2019 **(Appendix Ic)**
- (b) Supplementary Planning Statements for:
 Application No. A/YL-ST/553 **(Appendix Id)**
 Application No. A/YL-ST/554 **(Appendix Ie)**
 Application No. A/YL-ST/558 **(Appendix If)**
- (c) Further Information (FI) dated 22.10.2019 with a traffic impact assessment (TIA) in response to departmental comments for:
 Application No. A/YL-ST/553 **(Appendix Ig)**
 Application No. A/YL-ST/554 **(Appendix Ih)**
 Application No. A/YL-ST/558 **(Appendix Ii)**
(all published for comment)
- (d) FI dated 21.2.2020 in response to departmental comments
 Application No. A/YL-ST/553 **(Appendix Ij)**
 Application No. A/YL-ST/554 **(Appendix Ik)**
 Application No. A/YL-ST/558 **(Appendix Il)**
(all exempted from publication)

1.5 On 2.8.2019 (for Applications No. A/YL-ST/553 and 554), 20.9.2019 (for Application No. A/YL-ST/558) and 13.12.2019 (for all 3 applications), the Committee decided to defer decisions on the applications for two months as requested by the applicant pending submission of FIs to address departmental comments. On 22.10.2019 and 21.2.2020, the applicant submitted FIs for the 3 applications.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the applications are detailed in the Supplementary Planning Statements at **Appendix Id to If** and the FIs at **Appendix Ig to II**. They can be summarized as follows:

- (a) The applied developments would not frustrate the planning intention of “OU(CDWRA)” and are not incompatible with the surrounding port back-up uses.
- (b) The Sites were hard paved and previously used for car racing, car repair/maintenance (for Applications No. A/YL-ST/553 and 554) and ship building repairing yard (for Application No. A/YL-ST/558). They were then used for parking of vehicles with ancillary open storages in past years. There is a genuine demand for parking of container vehicles near the boundary crossing and the current facilities on the Sites are well-established. Integral parking facility is playing an important role in serving the cross boundary trade.
- (c) Approval of the applications 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 genuine need to facilitate cross-boundary movements of goods in the area.
- (d) In accordance with the TPB Guidelines No. 13E, the Sites fall within “Category 4 Areas”. The Sites are the subjects of previous planning approvals; the applied use would not generate adverse environmental, visual, traffic and drainage impacts on the surrounding areas; and 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.
- (e) No adverse environmental, drainage, visual and traffic impacts are envisaged. TIA had been conducted to demonstrate that the applied uses would not generate adverse traffic impact with details of trip generation and breakdown to justify the provision of parking spaces for cars/ container vehicles within the Site. Landscape impact can be minimized with the proposed landscape and tree preservation proposal. For Application No. A/YL-ST/558, the sewage of canteen will be collected by grease trap and sewage will be cleaned by vacuum pumping vehicle every 3 to 4 weeks.

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

The applicant is not a “current land owner” of the Sites 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 posting site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

TPB Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E)

- 4.1 According to TPB PG-No.13E, the Sites fall within Category 4 areas. The following criteria are relevant:
- (a) application for open storage and port back-up uses would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval condition of the previous planning applications and included in the applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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 increasing demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Application for 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.

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

- 4.2 According to TPB PG-No. 12C, the Sites fall 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. However, 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.

5. **Background**

The Sites of Applications No. A/YL-ST/553 and 554 are subject to planning enforcement actions against unauthorized developments (UDs) involving uses for parking of vehicles, storages (including deposit of containers), workshops and fuel filling stations. The Site of Application No. A/YL-ST/558 is subject to planning enforcement action against UD involving uses for parking of vehicles and fuel filling station. Enforcement Notices (ENs) were issued on 30.4.2019 and 21.5.2019 respectively requiring discontinuation of the UD (Plan A-1e). As recent site inspection revealed that the UD still continued upon expiry of the notices, prosecution actions may be followed.

6. **Previous Applications**

- 6.1 The Sites are the subjects of 18 previous applications. 14 (No. A/YL-ST/22, 32, 93, 149, 166, 178, 220, 223, 250, 273, 298, 379, 381 and 382) were for temporary container tractor/trailer parks with or without storage of building machinery/material, container vehicle park, tyre repair workshop or open storage of electricity accessories/construction machinery, and 4 applications (No. A/DPA/YL-ST/4, A/DPA/YL-ST/25, A/YL-ST/172 and A/YL-ST/287) were for permanent residential developments on much larger sites. Amongst them, 6 applications (No. A/YL-ST/93, 149, 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 on special circumstances, while all other applications had been rejected.

Temporary Uses under the then “Residential (Group D)” (“R(D)”) Zone

- 6.2 When the Sites were under the then “R(D)” zone, 3 previous applications for temporary uses were processed of which 2 were rejected. Application No. A/YL-ST/22 for temporary open storage of electricity cable, electricity wire/accessories and electricity generator was rejected by the Committee in 1997 mainly on grounds that the development was not in line with the planning intention of “R(D)” zone and approval of the application would set an undesirable precedent for other similar applications in the area. Application No. A/YL-ST/32 for temporary open storage of machinery for foundation construction was rejected by the Committee in 1997 on grounds that the development was not in line with the then TPB PG-No. 12; and the development was not compatible with the fish ponds to its further north and the Mai Po Village Egret SSSI to its southwest, not in line with planning intention of “R(D)” zone, and setting of undesirable precedent.

- 6.3 Application No. A/YL-ST/93 on a larger site for temporary container tractor/trailer park was approved in 1999 by the Committee for a period of 12 months mainly as an interim arrangement to alleviate the acute shortage of port back-up land in the area considering the site was close to Lok Ma Chau, and to allow for a timely review of the land uses in the area in the context of the then TPB PG-No. 13B, and considering the proposed use had no significant adverse impacts. .

Temporary Uses under “OU(CDWRA)” Zone

- 6.4 11 previous applications for temporary uses were processed under “OU(CDWRA)” zone of which 6 were rejected.
- 6.5 Application No. A/YL-ST/149 (same site as 93) for temporary container tractor/trailer park and open storage of building materials was approved by the Committee for a period of 29 months¹ in 2000 as interim arrangement to alleviate the acute shortage of port back-up land in the area.
- 6.6 Applications No. A/YL-ST/166, 178 and 223 for container tractor/trailer parks, and No. A/YL-ST/220, 250 and 298 for container tractor/trailer parks with open storage of machinery were rejected by the Committee or the Board on review 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; 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.
- 6.7 Applications No. A/YL-ST/273 for temporary container tractor/trailer park and open storage of building materials, 379 for container storage yard and vehicle park with ancillary vehicle repair area and site office, 381 for temporary tyre repair workshop with ancillary site office, and 382 for temporary container vehicle park were approved by the Board on review 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, all the applications were subsequently revoked between 2005 and 2010 due to non-compliance with approval conditions.

Permanent Residential Developments Covering Larger Sites

- 6.8 The Sites were involved in 4 previous applications for permanent residential developments all rejected between 1993 and 2009. Applications No. A/DPA/YL-ST/4 and 25 for residential development (the latter involved nature conservation development) were rejected by the Board on review in 1993 and 1994 respectively when the sites then fell within “Unspecified Use” (“U”) area on the approved San Tin Development Permission Area (DPA) Plan. The applications were rejected mainly on grounds that the developments were not in line with the planning intention for the area; the ecological assessments had not demonstrated that the proposed developments would have insignificant adverse impacts; and the

¹ This approval period of up to 3.3.2003 is to tally with the validity of similar Applications No. A/YL-ST/109 and 137. Details of these 2 similar applications are at paragraph 7.2.

developments would have adverse traffic impacts on major roads and interchange in the vicinity.

- 6.9 Applications No. A/YL-ST/172 and 287 for residential developments with wetland restoration (or enhancement) areas were rejected by the Committee in 2001 and 2009 respectively mainly on grounds that the developments were not in line with the planning intention of the zone and the then TPB PG-No. 12B and the technical assessments had not demonstrated that the proposed developments would have insignificant impacts.
- 6.10 Details of these applications are summarized at **Appendix IIa to IIc**. Their locations are shown on **Plans A-1b to A-1e**.

7. Similar Applications

- 7.1 Within the area covered by the “OU(CDWRA)” zone on the OZP, there are 15 applications for similar temporary vehicle parks uses involving container vehicles/trailers/tractors, amongst which 5 were approved with conditions by the Committee, the Board on review or the Town Planning Appeal Board (TPAB) between 2000 and 2006 on special circumstances. The remaining 10 applications were all rejected, with the last one rejected on review by the Board on 13.3.2020.
- 7.2 Amongst the 5 approved applications, 2 (No. A/YL-ST/109 and 137) were approved in 2000 (when the sites were just rezoned from “R(D)” to “OU(CDWRA)”) for 3 years and 31 months respectively on considerations that the proposed uses had no significant adverse impacts and the temporary approvals being interim arrangement could help alleviate the acute shortage of port back-up land and allow for a timely review of the land uses in the area. Application No. A/YL-ST/227 was approved in 2003 by the Committee for a period of 12 months on the condition of prohibiting parking of heavy goods vehicles and container vehicles. For the remaining 2 applications (No. A/YL-ST/182 and 253 on same site) approved by the TPAB in 2002 and 2006 respectively, they were all approved for a maximum period of 6 or 12 months mainly on sympathetic grounds to allow time for relocation of the uses to other suitable locations. Applications No. A/YL-ST/109 and 137 were subsequently revoked due to non-compliance with approval conditions, and the planning approval of the remaining 3 already lapsed.
- 7.3 For the remaining 10 rejected applications, 9 were rejected by the Committee or the Board on review between 2001 and 2007 mainly on grounds that the developments were not in line with the planning intention of the “OU(CDWRA)” zone, not complied with the then TPB PG-No. 12B and 13C/13D; there was insufficient information to demonstrate that the developments would not have adverse impacts; and approval of the application would set an undesirable precedent for other similar applications within the same zone. The last application No. A/YL-ST/547 (to the south of the Sites) was rejected by the Board on review on 13.3.2020 mainly for the reasons that the development was not in line with the planning intention of “OU(CDWRA)” zone.
- 7.4 Details of these applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

8. The Sites and Their Surrounding Areas (Plans A-1a to A-4j)

8.1 The Sites are:

- (a) accessible from Castle Peak Road – San Tin at their respective accesses in the east via a local access;
- (b) hard-paved;
- (c) located within the WBA; and
- (d) currently used for the applied uses together with workshop (for the Sites of A/YL-ST/553 and 554) and fuel filling stations without valid planning permission.

8.2 The surrounding area is intermixed with storage/open storage yards, scattered residential dwellings, some unused/vacant land and ponds. Some storage/open storage yards are suspected UDs subject to enforcement action by the Planning Authority:

- (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, unused land and open storage yard;
- (b) to the immediate south are a stream course, unused and vacant land, residential dwellings. Further south is a storage/open storage yard which is an UD and the subject of an application for temporary container vehicle park (No. A/YL-ST/547) rejected by the Board on review on 13.3.2020; and
- (c) to the immediate west are a stream course and unused land in the “Conservation Area” (“CA”) zone within WCA.

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 The following Government departments have been consulted and their views on the applications are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department

(DLO/YL, LandsD):

- (a) The Sites comprise Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Sites are accessible to Castle Peak Road – San Tin through both Government Land (GL) and private land. His Office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (c) The Sites do not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the applications, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the applied uses are temporary in nature, only applications for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications 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 applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the applications from traffic engineering point of view and has no comment on the TIA (**Appendix Ig to Ii**).
- (b) The Sites are connected to the 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 road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) Should the applications be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Sites at any time during the planning approval period.

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

- (a) The access arrangement should be commented by Transport Department (TD).
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Sites to the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Sites and Castle Peak Road – San Tin. The applicant should be responsible for his own access arrangement. The relevant departments will provide their comments, if any.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Sites neither fall within any administrative route protection boundary, gazetted railway scheme boundary, nor railway protection boundary of heavy rail systems. As such, he has no comments on the applications from railway development viewpoint.

Environment

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

- (a) He does not support the applications as there are sensitive receivers in the vicinity of the Site (the nearest ones are about 9m, 14m, and 62m away from the northern boundaries of the three Sites) (**Plan A-2**) and environmental nuisance is expected.
- (b) For Application No. A/YL-ST/553, no environmental complaint pertaining to the Site has been received over the past 3 years. For Applications No. A/YL-ST/554 and 558, 1 non-substantiated complaint on waste has been received for each of the Sites over the past 3 years.
- (c) The Sites fall within WBA and are adjacent to a number of ponds. They also fall within Deep Bay catchment area where the assimilative capacity is limited. It is noted that the Sites have been subject to a number of previous planning applications for similar uses which were mostly rejected due to various reasons. For previous applications that have been approved (e.g. Applications No. A/YL-ST/273 and A/YL-ST/379), the planning permissions were ultimately revoked as the applicant could not provide satisfactory drainage plans nor satisfactory implementation of drainage facilities proposed. In addition, it is noted that no proper drainage facilities can be seen at the perimeter of the site boundaries and debris and pollutants could easily be washed off to the natural stream and ponds immediately adjacent to the Sites (flowing

towards ultimately to Deep Bay). He therefore has concerns that the proposed use would result in adverse water quality impact on Deep Bay and the applications are not supported.

Nature Conservation

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

- (a) The Sites are located within WBA in proximity to the fish ponds in WCA. According to the TPB PG No. 12C, the planning intention of 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 fishponds.
- (b) The Sites fall within “OU(CDWRA)” zone which, according to the OZP, is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds, and to encourage the phasing out of sporadic open storage and port back-up uses on degraded wetlands, through comprehensive residential and/or recreational development to include wetland restoration area. The current applications do not have information to show that it would comply with the planning intention of WBA or “OU(CDWRA)” zone. As such, he has reservation on the applications.

Landscaping

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

- (a) Having reviewed the FIs (**Appendix Ij to II**) submitted, he maintains the view of having some reservations on the applications from the landscape planning perspective.
- (b) The Sites, located to the east of Lin Barn Tsuen and north of Castle Peak Road – San Tin, fall within an area zoned “OU(CDWRA)” on the OZP.
- (c) With reference to the aerial photo taken in 2018, ponds and scattered tree groups are found at the surrounding areas to the north and east of the Sites of Applications No. A/YL-ST/553 and 554. The Site of Application No. A/YL-ST/558 is adjoining to the “CA” zone to the northwest and west of the Site. Unauthorized temporary structures and open storages are found in the surrounding areas to the south of the Sites.
- (d) According to his site visits conducted on 21.6.2019 and 16.8.2019, the Sites were hard paved and in operation without planning permission. Existing tree groups of common species in fair conditions were found along the boundaries and at the eastern part

of the Sites. The landscape environment of the area had been degraded. With reference to the Supplementary Planning Statements at **Appendix Id to If**, all existing trees within the Sites will be preserved. However, the developments are not in line with the planning intention of the “OU(CDWRA)” zone which is to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for restoration of degraded wetlands adjoining existing fish ponds. As the applied uses are not compatible with the existing landscape setting in the proximity and not in line with planning intention of the “OU(CDWRA)” zone, there is concern that approval of the applications would set an undesirable precedent for other similar uses in the immediate neighbourhood within the same zone and the adverse impact on the landscape setting would continue if these incompatible uses were allowed to continue.

- (e) In view that some existing trees along the boundary outside the Sites act as landscape buffer to the adjacent road and area, it is opined that landscape condition is not recommended, should the applications be approved by the Board.

Fire Safety

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

- (a) He has no objection in principle to the applications subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposals, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) for Application No. A/YL-ST/554, good practice guidelines for open storage should be adhered to (**Appendix IV**).
- (c) For Application No. A/YL-ST/554, having considered the nature of the open storage, the following approval condition is suggested, and the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval to address the approval condition:

the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.

- (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.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Sites, prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's 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 Sites under the BO.
- (c) The Sites 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 respectively.
- (d) If the Sites do not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Drainage

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

- (a) He has no objection in principle to the applications from drainage operation and maintenance point of view.
- (b) As mentioned in the Supplementary Planning Statements at **Appendix Id to If**, the applicant will submit detailed drainage proposals to DSD. The proposals should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to his sites. Clear drainage plans 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.

- (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.
- (d) His detailed comments are at **Appendix VII**.

District Officer's Comments

10.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) He has no comment on the applications.
- (b) For Application No. A/YL-ST/558, he has received an objection letter from San Tin Rural Committee raising concerns that the proposed use would worsen the traffic condition of the surrounding areas, create air and noise pollution, and degrade the living environment of residential dwellings and Small Houses in San Tin Heung (**Appendix V**).

10.2 The following Government departments have no comment on or no objection to the applications:

- (a) Commissioner of Police (C of P);
- (b) Director of Food and Environmental Hygiene (DFEH);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (West) (PM(W), CEDD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Periods

On 18.6.2019, 6.8.2019 and 8.11.2019, the applications and the FIs were published for public inspection. During the first three weeks of the statutory public inspection periods, 27 comments (9 for each of the three applications) were received from World Wide Fund for Nature Hong Kong (submitted once for Application No. A/YL-ST/553 and twice each for Applications No. A/YL-ST/554 and 558), Hong Kong Bird Watching Society (submitted twice for all three applications), Kadoorie Farm and Botanic Garden Corporation (submitted twice for all three applications), Designing Hong Kong (submitted twice for Application No. A/YL-ST/553 and once each for Applications No. A/YL-ST/554 and 558), San Tin Rural Committee (submitted once for each of the three

applications) and a member of the public (submitted once for each of the three applications), all objecting to the applications. Their main concerns were that the developments were not in line with the planning intention of the “OU(CDWRA)” zone and the TPB PG-No. 12C; there was urgency in maintaining the Sites as wetland buffer in view of climate change; approval of the applications would legitimize the unauthorized developments and set an undesirable precedent; the applicant failed to demonstrate that the developments would not have negative off-site disturbance impacts on the surrounding areas; and the proposed uses would worsen the traffic conditions of surrounding areas and create road safety problems (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The applications are for temporary container vehicle park with ancillary site office and storage uses (Application No. A/YL-ST/553), temporary container vehicle park and open storage of construction materials with ancillary tyre repair area, site office and storage uses (Application No. A/YL-ST/554) and temporary container and goods vehicle park with ancillary site office, vehicle repair area, staff canteen and storage uses (Application No. A/YL-ST/558) at the Sites for periods of 3 years. The Sites fall 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 Sites also fall within the WBA and are close 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 of the three applications are not in line with the planning intention of the “OU(CDWRA)” zone and TPB PG-No. 12C. No strong planning justification has been given in the submissions for a departure from the planning intention, even on a temporary basis.
- 12.2 The surrounding areas are predominantly ponds, scattered residential dwellings and suspected UDs of storage/open storage yards. DEP does not support the applications as there are sensitive receivers in vicinity of the Site (the nearest residential dwellings are located about 9m, 14m and 62m from the northern boundaries of the three Sites) (**Plan A-2**), and environmental nuisance is expected. Besides, the Sites fall within WBA and are adjacent to a number of ponds and within Deep Bay catchment area where the assimilative capacity is limited. No proper drainage facilities can be seen at the perimeter of the site boundaries and debris and pollutants could easily be washed off to the natural stream and ponds immediately adjacent to the Sites flowing ultimately to Deep Bay. DEP therefore has concerns that the applied use will result in adverse water quality impact on Deep Bay. DAFC has reservation on the applications as the Sites are within WBA in proximity to the fish ponds in WCA and there is no information in the application to demonstrate their compliance with the planning intention of WBA or “OU(CDWRA)” zone. CTP/UD&L, PlanD has some reservation on the applications as the applied uses are not compatible with the existing landscape setting in the proximity and not in line with planning intention of the “OU(CDWRA)” zone, and approval of the applications would set an

undesirable precedent for other similar uses in the immediate neighbourhood within the same zone and the adverse impact on the landscape setting would continue if these incompatible uses were allowed to continue.

- 12.3 As stated in paragraph 4.1 above, the Sites fall within Category 4 areas under TPB PG-No. 13E and application would normally be rejected except under exceptional circumstances. It is also mentioned that applications for cross-boundary parking facilities at suitable sites in San Tin area, may also be considered in light of its own merits and subject to satisfactory demonstration of no adverse impacts on the surrounding areas. The applications are considered not in line with the TPB PG-No. 13E in that the 5 previous applications for similar uses granted were all approved under special circumstances as detailed below in paragraph 12.4 and the remaining 6 were all rejected; there are adverse comments from concerned departments including DEP, DAFC and CTP/UD&L, PlanD, and the public including the locals; and the applicant has failed to demonstrate that the proposed uses would not have adverse environmental, ecological and landscape impacts on the surrounding areas. Approval of the applications would set an undesirable precedent and encourage other applications for similar developments in the area. The cumulative effect of approving the similar applications would result in general degradation of the environment of the area around Deep Bay.
- 12.4 The Sites are the subjects of 11 previous applications for temporary container vehicle park/vehicle repair workshop uses within “OU(CDWRA)” zone of which 6 were rejected by the Committee between 2001 and 2006. The remaining 5 previous applications approved by the Committee or the Board on review between 1999 and 2010 for period of 6 months to 3 years were all approved on special circumstances to alleviate the acute shortage of port-back-up land in the area, allow for a timely review of the land uses in the area, and/or on sympathetic grounds to allow time for relocation of the uses to other suitable locations. 10 applications for similar container vehicle parking uses within the areas covered by “OU(CDWRA)” zone were rejected by the Committee and the Board on review between 2001 and 2020 for reasons of not in line with planning intention of “OU(CDWRA)” zone and insufficient information to demonstrate that the developments would not have adverse impacts. The 5 similar applications that were approved were all on special circumstances, with 2 approved when the site was just rezoned from “R(D)” to “OU(CDWRA)” and approved for a temporary period to allow for a timely review of the land uses in the area, and 1 approved for 1 year with condition excluding parking of heavy/container vehicle on the site. The remaining 2 were approved by the TPAB for shorter periods of 6 or 12 months on sympathetic grounds to allow time for relocation of the uses to other suitable locations. Rejection of the applications is in line with the previous decisions of the Committee and the Board on similar applications in the area.
- 12.5 The Sites are subject to planning enforcement actions. 2 ENs requiring the discontinuation of the UDs involving parking of vehicles, fuel filling station and for storages (including deposit of containers) and workshops (for Applications No. A/YL-ST/553 and 554) have been issued, but the UDs still continued upon expiry of the notices. Approval of the applications may encourage similar UDs in the area.
- 12.6 There are 27 public comments and one local objection relayed by DO(YL), all

objecting to the developments, as stated in paragraphs 11 and 10.1.11 respectively. The planning considerations and the departmental comments above are of relevance.

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 applications for following reasons:

- (a) the proposed 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 proposed 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 would not have adverse ecological impacts on the surrounding areas. The approval of the application would result in a general degradation of the environment in Deep Bay area; and
- (c) the proposed 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. 13E) in that there are adverse departmental comments on the environmental, ecological and landscape impacts and local objections.

13.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of 2 years, instead of the applied 3 years, until 20.3.2022. 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 9:00 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 maintenance of boundary fencing of the Site at all times during the planning approval period;

- (e) the submission of 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 20.9.2020;
- (f) in relation to (e) 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 20.12.2020;
- (g) the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (h) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.9.2020;
- (i) in relation to (h) 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 20.12.2020;
- (j) 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 1.5.2020 (for Application No. A/YL-ST/554 only);
- (k) if any of the above planning conditions (a), (b), (c), (d) or (g) 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;
- (l) if any of the planning conditions (e), (f), (h), (i) or (j) 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
- (m) 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 VII**.

14. Decision Sought

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the applications, 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 applications, 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

Appendix Ia	Application Form for Application No. A/YL-ST/553 received on 10.6.2019
Appendix Ib	Application Form for Application No. A/YL-ST/554 received on 12.6.2019
Appendix Ic	Application Form for Application No. A/YL-ST/558 received on 30.7.2019
Appendix Id	Supplementary Planning Statement for Application No. A/YL-ST/553
Appendix Ie	Supplementary Planning Statement for Application No. A/YL-ST/554
Appendix If	Supplementary Planning Statement for Application No. A/YL-ST/558
Appendix Ig	Further Information for Application No. A/YL-ST/553 dated 22.10.2019
Appendix Ih	Further Information for Application No. A/YL-ST/554 dated 22.10.2019
Appendix Ii	Further Information for Application No. A/YL-ST/558 dated 22.10.2019
Appendix Ij	Further Information for Application No. A/YL-ST/553 dated 21.2.2020
Appendix Ik	Further Information for Application No. A/YL-ST/554 dated 21.2.2020
Appendix Il	Further Information for Application No. A/YL-ST/558 dated 21.2.2020
Appendix IIa	Previous Applications for the Site of Application No. A/YL-ST/553
Appendix IIb	Previous Applications for the Site of Application No. A/YL-ST/554
Appendix IIc	Previous Applications for the Site of Application No. A/YL-ST/558
Appendix III	Similar Applications
Appendix IV	Good Practice Guidelines for Open Storage Sites
Appendix V	Objection Letter Relayed from DO/YL, HAD
Appendix VI	Public Comments
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Layout Plan for Application No. A/YL-ST/553
Drawing A-2	Landscape Plan for Application No. A/YL-ST/553
Drawing A-3	Plan showing internal circulation and dimensions for Application No. A/YL-ST/553
Drawing A-4	Layout Plan for Application No. A/YL-ST/554
Drawing A-5	Landscape Plan for Application No. A/YL-ST/554
Drawing A-6	Plan showing internal circulation and dimensions for Application No. A/YL-ST/554
Drawing A-7	Layout Plan for Application No. A/YL-ST/558
Drawing A-8	Details of Temporary Structures for Application No. A/YL-ST/558

Drawing A-9	Landscape Plan for Application No. A/YL-ST/558
Drawing A-10	Plan showing internal circulation and dimensions for Application No. A/YL-ST/558
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan for Application No. A/YL-ST/553
Plan A-1c	Previous Application Plan for Application No. A/YL-ST/554
Plan A-1d	Previous Application Plan for Application No. A/YL-ST/558
Plan A-1e	Previous Application Plan for Residential Use
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4j	Site Photos

**PLANNING DEPARTMENT
MARCH 2020**