

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

**APPLICATION NO. A/YL-ST/573**

<b><u>Applicant</u></b>	: Land Jumbo Development Limited
<b><u>Site</u></b>	: Lots 16 S.B ss.2, 16 S.B ss.3, 19 S.C, 19 RP, 21 S.A (Part), 21 RP (Part), 23 S.A, 24 RP (Part), 25 S.A, 26 RP (Part), 42 RP (Part) and 44 S.A (Part) in D.D. 105 and Adjoining Government Land, Castle Peak Road - San Tin, Mai Po Lung, San Tin, Yuen Long
<b><u>Site Area</u></b>	: 3,550 m <sup>2</sup> (about) (including about 455 m <sup>2</sup> of GL (about 12.8%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<b><u>Zoning</u></b>	: “Residential (Group D)” (“R(D)”)
<b><u>Application</u></b>	: Proposed Temporary Cold Storage for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary cold storage for a period of 3 years (**Plan A-1a**). According to the covering Notes of OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 A small portion of the Site (about 6.9% of the Site at the northern entrance) (**Plan A-1b**) is covered by a planning permission for temporary open storage and retail sale of construction machinery for a period of 3 years until 26.8.2022 and the approved use is in operation. The remaining part of the Site is partly vacant and partly used for open storage of construction materials and machinery without valid planning permission (**Plans 4a to 4c**).
- 1.3 The Site is the subject of 27 previous applications for temporary open storage, vehicle park and warehouse uses, of which 15 are approved and 12 are rejected. Application No. A/YL-ST/508 with the same site boundary for the same use and

with same parameters and access point was approved with conditions by the Committee on 12.1.2018 until 12.1.2021, but was subsequently revoked on 12.6.2020 due to non-compliance with approval conditions on the provision of boundary fencing and the implementation of fire service installations (FSIs), the accepted drainage proposal and landscape and tree preservation proposal. The approved use has never been in operation.

- 1.4 According to the applicant, the current submission is same as the previously approved scheme. The proposed temporary cold storage is a temperature-controlled storage (in Modular Integrated Construction (MIC)) for fast-moving goods including healthy food items (supplements) and cosmetics due to its proximity to boundary control points, and served only by private cars, motorcycle and light goods vehicles (LGV). The proposed development comprises five single-storey structures, including the main building being a cold storage with ancillary office, an ancillary E&M building for transformer room, switch room, fire services water tank, pump room and guard room, and three portable toilets. Two sets of moveable gates (i.e. for pedestrian access and Emergency Vehicular Access (EVA) respectively) will be provided in the western and eastern boundary fences with no lock for local access at all times (**Plan A-5**). As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at the north via Castle Peak Road – San Tin. The major development parameters of the current application are the same as the approved Application No. A/YL-ST/508. They are summarized below:

No. of structure(s)	5 (cold store with ancillary office, ancillary E&M building and 3 portable toilets)
Total floor area	About 1,208m <sup>2</sup>
Height of structures	Not more than 4.9m for cold storage building Not more than 4m for ancillary E&M building Not more than 3m for portable toilets
No. of parking spaces:	2 (private cars) 1 (motorcycle)
No. of loading/unloading bays/lay-bys	6 for LGV
Operation hours	9:00 a.m. to 9:00 p.m. (Monday to Sunday) (7 days a week and on year-round basis)

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 21.5.2020 **(Appendix I)**
  - (b) Supplementary Planning Statement with Traffic Study Review Report and Drainage Impact Assessment (DIA) Review **(Appendix Ia)**
  - (c) Further Information (FI) dated 26.6.2020 clarifying vehicular/pedestrian access arrangement and operation of **(Appendix Ib)**

the proposed cold storage

- (d) FI dated 30.6.2020 clarifying the width of **(Appendix Ic)** pedestrian/vehicle access and the arrangement of moveable gates
- (e) FI dated 6.7.2020 clarifying the position of the entrances **(Appendix Id)** to the cold store and E&M buildings
- (f) FI dated 7.7.2020 clarifying the arrangement of informing **(Appendix Ie)** local residents on proposed free access

## **2. Justifications from the Applicant**

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

- (a) The previous approved application No. A/YL-ST/508 was revoked in June 2020 as the discharge of conditions could not be completed on time, which is mainly due to the delay in granting of Short Term Tenancy (STT) by District Land Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as the GL in the middle of the Site was allocated to Civil Engineering and Development Department (CEDD) until December 2019. The applicant is therefore unable to complete implementation of the approved FSIs, fencing, drainage and landscape works in time. With the release of the GL in December 2019, the applicant is now applying for STT with DLO/YL, LandsD and more time is needed to complete the application.
- (b) The applicant has discharged the submission requirements of all conditions not affected by the GL, including conditions for the submissions of FSIs and landscape and tree preservation proposal. The boundary fencing is only partly installed due to the late release of the GL. The implementation of FSIs, drainage and the landscape and tree preservation proposals for the relevant conditions are at the final stage.
- (c) The results of Traffic Study Review Report and DIA Review (**Appendix Ia**) show that no significant adverse traffic and drainage impacts are anticipated. The E&M machinery is fully enclosed within the cold store building and the entrances to the cold store and the E&M buildings are directed away from the nearby sensitive receivers (**Drawing A-1**), therefore it is anticipated that there will be no adverse noise impact during the operation. The traffic arrangement is to be done by pre-booking system as delivery and pick-up are managed by the operator so that only private cars, motorcycle and LGV are allowed during the approval period.
- (d) The existing pedestrian and vehicular accesses (including EVA) affected by the proposed development will be reprovisioned in the proposed scheme with pedestrian access of 2m in width along the eastern site boundary and

vehicular/pedestrian access of 3.5m in width along the western site boundary. Two moveable gates with no lock will be provided for local access at all times (**Plan A-5**), and notices to inform the local residents will be posted at the main entrance and pedestrian gates of the Site with direction signage to guide locals about the proposed free access arrangement.

- (e) There will be no adverse impact on the adjoining operation overlapping with the northern part of the Site under valid planning permission of Application No. A/YL-ST/551, as they are under the same land owner and access sharing arrangement has been settled.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to planning enforcement action. Should a material change of use be identified on site, which constitutes an unauthorized development (UD) under the Town Planning Ordinance, enforcement action would be instigated subject to sufficient evidence collected.

### **5. Previous Applications**

- 5.1 Part of the Site is subject to 27 previous applications. 12 applications mainly for temporary container tractor and trailer park, warehouse, open storage of construction machinery and retail uses were rejected between 2002 and 2007, while the other 15 applications for open storage, vehicle park and warehouse uses and a proposed residential development were approved by the Committee between 1998 and 2019 (**Plan A-1b**).

#### **15 approved applications**

- 5.2 Application No. A/YL-ST/124 covering a larger area (16,400m<sup>2</sup>) for proposed residential development was approved by the Committee on 5.5.2000. The permission lapsed on 5.5.2003.
- 5.3 9 applications (No. A/YL-ST/53, 85, 133, 244, 327, 386, 432, 493 and 551) on the same site abutting Castle Peak Road-San Tin (covering about 6.9 % of the Site or about 245m<sup>2</sup>) for temporary open storage and retail shop of construction machinery were approved by the Committee for a period of 12 months/3 years between 1998 and 2019. The last Application No. A/YL-ST/551 submitted by a different applicant for temporary open storage and retail sale of construction machinery was approved by the Committee in 2019 for a period of 3 years, mainly on the considerations that the development was not incompatible with the surrounding land uses; previous planning approvals on the Site had been given; the application

was in line with the then TPB PG-No. 13E; and approval of the application would not frustrate the long-term planning intention of the “R(D)” zone. All approval conditions had been complied with.

- 5.4 4 applications (No. A/YL-ST/76, 81, 114 and 130) on smaller sites for temporary container trailer/tractor park and warehouse were approved by the Committee between 1999 and 2000 for periods of 12 months/3 years mainly on the consideration that no adverse departmental comments were received and no adverse impacts on the surrounding were anticipated.
- 5.5 Application No. A/YL-ST/508 submitted by the same applicant for the same use on the same site as the current application was approved by the Committee in 2018 for a period of 3 years mainly on the considerations that approval of the application would not frustrate the long-term planning intention of the “R(D)” zone; the proposed cold storage was considered not incompatible with the surrounding land uses; there were no adverse departmental comments; and previous planning approvals for other temporary uses on the Site had been given. The permission was subsequently revoked on 12.6.2020 due to non-compliance with approval conditions including provision of boundary fencing, and implementation of FSIs, the accepted drainage proposal and the landscape and tree preservation proposal.

12 rejected applications

- 5.6 12 applications (No. A/YL-ST/185, 196, 199, 205, 209, 212, 224, 235, 249, 265, 286 and 332) mainly for temporary container tractor and trailer park, warehouse, open storage of construction machinery and retail uses for periods of 3 years were rejected by the Committee between 2002 and 2007 mainly on the grounds that the local track leading to the Site was far below the standard for use by heavy vehicles; the proposed parking arrangement within the Site was considered unsatisfactory; there was insufficient information to demonstrate that the development would not generate adverse environmental, drainage, landscape and ecological impacts on the surrounding areas and the development was not in line with the planning intention of the “R(D)” zone.
- 5.7 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

**6. Similar Application**

Since 2010, there is one application (No. A/YL-ST/405) for similar temporary warehouse for storage of electric products within the same “R(D)” zone on the OZP (**Plan A-1a**) which was approved by the Committee on 17.6.2011 for 3 years. It was approved mainly on the consideration that approving the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone, the development was not incompatible with the surrounding land uses; and no public objection to the subject application was received. Details of the application are summarized at **Appendix III**. Its location is shown on **Plan A-1a**.

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

### 7.1 The Site is:

- (a) paved and partially fenced off, and currently mainly occupied by open storage of construction materials and machinery;
- (b) accessible at the north through Castle Peak Road – San Tin;
- (c) a small strip of land at its northern entrance is covered by open storage of construction machinery approved under Application No. A/YL-ST/551;
- (d) part of the Site serves as the existing pedestrian and vehicular access to the adjacent dwellings (**Plan A-2**); and
- (e) located outside the Wetland Buffer Area (WBA) of Deep Bay Area.

### 7.2 The Site is located in the midst of Mai Po Lung area and the surrounding areas are predominated by open storage, rural industrial uses, vehicle parks, residential dwellings, vacant land and vegetated area. Some vehicle parks and open storage yards are suspected unauthorized developments subject to enforcement action by the Planning Authority (**Plan A-2 and A-3**):

- (a) to the immediate west are vacant land and residential dwellings. To its further west is unused land zoned “Green Belt”;
- (b) to the immediate south is open storage of construction machinery;
- (c) to the immediate east are some residential dwellings, cultivated agricultural land, and unused land;
- (d) to the immediate northeast is an open storage of construction machinery approved under Application No. A/YL-ST/551; and
- (e) to the north across Castle Peak Road – San Tin are open storage of containers, parking of container vehicles and trailers, car service and residential dwellings.

## **8. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

## 9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### Land Administration

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

- (a) The Site comprises GL and Old Schedule Agricultural Lots 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.
- (b) A portion of the GL with an area of about 116m<sup>2</sup> of the Site (**Plan A-2**) is covered by STT No. 2997 for the purpose of “Temporary Open Storage and Retail Sale of Construction Machinery”.
- (c) No permission is given for occupation of the remaining GL of about 339m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (d) The private land (PL) of Lot No. 16 S.B RP in D.D. 105 is covered by Short Term Waiver (STW) No. 3145 to permit structures for the purpose of “Storage and Retail Sale of Construction Machinery and Ancillary Use”.
- (e) Should planning approval be given to the subject planning application, the STT/STW holders will need to apply to this office for modification of the STT/STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to this office for permitting the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications 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 applications will be approved. If such applications are 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.

## **Traffic**

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

- (a) The Site is connected to Castle Peak Road – San Tin 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 the 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) As there is no information about the vehicular access at the private lot(s) to the Site, the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access.
- (c) Should the application be approved, the following condition should be incorporated:

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

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

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

### 9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

As the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems, he has no comment on the application from railway development point of view.

## **Environment**

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

- (a) The applicant has clarified in the FI (**Appendices Ib and Id**) that the E&M machinery would be fully enclosed within the cold



store building and the windows/doors of the building will be directed away from nearby sensitive receivers to avoid adverse noise impact. As such, he has no comment on the application.

- (b) The applicant shall be advised to follow the revised “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.
- (c) There was no environmental complaint related to the Site in the past 3 years.

### **Nature Conservation**

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

- (a) As the Site is paved and at certain distance from the Mai Po Lung Egrettry (at least 40m away), he has no strong view on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant and his staff should be advised to avoid disturbing any wild birds including their nests and eggs which are protected under the Wild Animals Protection Ordinance, Cap. 170. Any lighting facilities installed on site should also be directed towards the Site as far as practicable.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, 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; and
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

9.1.8 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are Unauthorized Building Works (UBW) under the Building Ordinance (BO). An Authorized Person 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 the BD to effect their removal in accordance with 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 the BO.
- (c) 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.
- (d) If the Site does 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 B(P)R at the building plan submission stage.

### **Drainage**

9.1.9 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 drainage proposal submitted by the applicant is considered unacceptable from drainage operation and maintenance point of view. The applicant is requested to duly address his comments and re-submit the proposal to him for comments. The applicant is reminded that the approval of the drainage proposal must be sought prior to the implementation of drainage works on site.
- (c) After completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan.

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

### **Landscape**

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

- (a) He has no objection to the application from landscape planning perspective.
- (b) The Site, located to the south of Castle Peak Road – San Tin and west of Shek Wu Wai Road, falls within an area zoned “R(D)” on the Approved San Tin OZP No. S/YL-ST/8. Part of the Site was the subject of 27 previous applications and the recent one (Application No. A/YL-ST/508) for the same use with the same site boundary, to which he had no objection from the landscape planning perspective, was approved with conditions by the Committee on 12.1.2018 till 12.1.2021.
- (c) With reference to the planning statement (**Appendix Ia**), it is acknowledged that the development programme of the previous approved application No. A/YL-ST/508 was delayed. A number of extension of time limit for approval conditions was approved. The applicant is seeking a new planning permission without any material change of the previous approved development proposal on this current application.
- (d) There is no change for the existing landscape resources within the Site and existing trees which act as landscape buffer are along the boundary outside the Site. Should the application be approved, all existing trees within the Site should be maintained satisfactorily at all times during the approval period.

### **Water Supply**

#### 9.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected. A waterworks reserve with 1.5m from the centerline of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main.

- (d) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

### **District Officer's Comment**

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

His office has no comment on the application and the local comments shall be submitted to the Board directly, if any.

9.2 The following Government departments have no comment on/no objection to the application:

- (a) Director of Food and Environmental Hygiene (DFEH);
- (b) Commissioner of Police (C of P);
- (c) Project Manager (West), CEDD (PM(W), CEDD);
- (d) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Director of Leisure and Cultural Service (DLCS).

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

On 29.5.2020, the application was published for public inspection. During the 3-week statutory publication period, 19 objecting comments were received from San Tin Rural Committee, 3 Yuen Long District Council (YLDC) members and 15 individuals including 6 local residents (**Appendix IV**). They object to the application mainly on the grounds that the proposed development would block the existing local pedestrian/vehicular access (including EVA); there would be adverse impacts on drainage, environment (including noise and air, etc.), traffic and hygiene of the surrounding areas; and the applied use is not in line with the planning intention of the "R(D)" zone.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary cold storage for a period of 3 years. The Site falls within "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The proposed temporary cold storage is not in line with the planning intention of the "R(D)" zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "R(D)" zone as there is no immediate development proposal for the Site.

- 11.2 The proposed cold store is considered not incompatible with the surrounding land uses, which are predominated by open storage, rural industrial uses, vehicle parks, residential dwellings and vacant land (**Plan A-2**). Although there are domestic structures located in vicinity of the Site, the applicant indicates that only private cars, motorcycle and LGV will be allowed to access the Site and no noise is to be generated during operation. DEP has no comment on the application as the E&M machinery are fully enclosed within the cold store building and the windows and doors of the building will be directed away from nearby sensitive receivers to avoid adverse noise impact. To mitigate any potential environmental impacts to the surrounding areas, approval conditions on operation hours, types of vehicles, and provision of boundary fencing are recommended in paragraphs 12.2 (a), (b) and (e) below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to follow the revised “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 11.3 DAFC has no strong view on the application as the Site is paved and at certain distance from the Mai Po Lung Egretty. Should the application be approved, the applicant should be advised to avoid disturbing any wild birds including their nests and eggs which are protected under the Wild Animal Protection Ordinance, Cap.170. Other concerned Government departments including C for T, D of FS and CE/MN, DSD and CTP/UD&L, PlanD have no objection to the application, or no adverse comment on transport, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraph 12.2 (d) to (j) below should the Board decide to approve the application.
- 11.4 Part of the Site and its adjoining areas are subject to 15 previous applications with one for residential development and others for open storage, vehicle park and warehouse uses approved by the Committee between 1998 and 2019, while 12 applications for container tractor and trailer park, warehouse, open storage of construction machinery and retail uses were rejected between 2002 and 2007. Amongst them, Application No. A/YL-ST/508 on the same site for the same cold storage use submitted by the same applicant was approved by the Committee on 12.1.2018 for a period of 3 years until 12.1.2021 as detailed in paragraph 5.5. An application (No. A/YL-ST/405) for similar temporary warehouse use within the same “R(D)” zone on the OZP was approved by the Committee in 2011 based on similar considerations (**Plan A-1a**). Approval of the current application is in line with the previous decisions of the Committee. Nevertheless, Application No. A/YL-ST/508 was revoked on 12.6.2020 due to non-compliance with approval conditions. On this, the applicant stated that he had complied with the submission requirement of all conditions including the drainage, FSIs and landscape proposals. The delay in implementation of the approved proposals and boundary fencing was due to the delay in granting of STT by DLO/YL as the GL at the middle of the Site was occupied by CEDD until December 2019. In support of the current application, the applicant submitted traffic review and DIA review and pledged to comply with the approval conditions should the application be approved. It is considered that the subject application can be given sympathetic consideration. Should the application be approved, shorter compliance periods are recommended for close monitoring of the progress on compliance with the approval conditions.

The applicant will also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.5 There are 19 objecting public comments on the application received during the statutory publication period as stated in paragraph 10. The planning assessments and departmental comments above are relevant. On blockage of access, the applicant has proposed to re-provision pedestrian and vehicular accesses (including EVA) of 2m and 3.5m wide respectively, and allow free pedestrian and emergency vehicular accesses through the Site at all times by providing two sets of moveable gates with no lock, and will provide notices at the entrance gates to guide the local residents on the arrangement. Approval condition requiring the applicant to provide free pedestrian and vehicular accesses (including EVA) as proposed under the application is recommended in paragraph 12.2 (c). An advisory clause reminding the applicant to liaise with the adjacent owners/residents to address their concerns is proposed in paragraph (b) of **Appendix V**.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary cold storage could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 10.7.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 9:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium/heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to enter, park or operate on the Site at any time during the planning approval period;
- (c) the provision and maintenance of free pedestrian and vehicular accesses (including EVA) to the surrounding residential dwellings, as proposed by the applicant, during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (e) the provision of boundary fencing within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.10.2020;

- (f) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.10.2020;
- (g) in relation to (f) above, the implementation of fire service installations 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 10.1.2021;
- (h) the submission of drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.10.2020;
- (i) in relation to (h) above, the implementation of the 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 10.1.2021;
- (j) the maintenance of all existing trees within the Site during the planning approval period;
- (k) if any of the above planning condition (a), (b), (c), (d) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning condition (e), (f), (g), (h) or (i) 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.

[Except for conditions relating to the submission and implementation of drainage and landscape and tree preservation proposals and the reinstatement requirement which have been deleted or amended to accord with the latest circumstances/departmental comments, all the other conditions are same as those imposed under the previous application No. A/YL-ST/508.]

#### Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development use is not in line with the planning intention of the "R(D)" zone, which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings for low-rise, low-density residential development. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form received on 21.5.2020
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI received on 26.6.2020
<b>Appendix Ic</b>	FI received on 30.6.2020
<b>Appendix Id</b>	FI received on 6.7.2020
<b>Appendix Ie</b>	FI received on 7.7.2020
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Similar applications within “R(D)” zone on the approved San Tin OZP No. S/YL-ST/8
<b>Appendix IV</b>	Public comments received during statutory publication period
<b>Appendix V</b>	Recommended advisory clause
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawings A-2 &amp; 3</b>	Re-provision of Existing Local Access
<b>Plan A-1a</b>	Location Plan with Similar Application
<b>Plan A-1b</b>	Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4c</b>	Site Photos
<b>Plan A-5</b>	Plan Showing Existing and Proposed Reprovided Vehicular and Pedestrian Accesses