



**Section 16 Planning Application
Renewal of Planning Application
No. A/YL-NSW/276**

Temporary Container Storage Yard for
a Period of 5 Years

Lot 1743 S.C RP in D.D. 107,
Castle Peak Road, Sha Po,

Planning Statement

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EXECUTIVE SUMMARY

(In case of discrepancy between English and Chinese versions, English shall prevail)

This *Planning Statement* is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) for **Temporary Container Storage Yard for a Period of 5 Years** (hereinafter referred to as “the temporary container storage yard”) at Lot 1743 S.C RP in D.D. 107, Castle Peak Road, Sha Po, Yuen Long, New Territories (hereinafter referred to “the application site”). The current application aims to renew the latest planning permission under Planning Application No. A/YL-NSW/276 from the Board which will be expired on 20.3.2025 such that the Applicant can be given opportunity to continue using the application site for temporary container storage yard. The Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate consideration by the Board.

The application site is subject to six previously approved applications for the same ‘Container Storage Yard’ use and currently falls within an area zoned “Open Storage” (“OS”) on the draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9 exhibited for public inspection on 12.07.2024 (hereinafter referred to as “the Current OZP”).

The Applicant wishes to reapply for a planning permission from the Board owing to the fact that the latest planning permission from the Board under planning application (No. A/YL-NSW/276) for the same use on a temporary basis of 5 years approved on 20.03.2020 will lapse on 20.03.2025 (hereinafter referred to as “the last approved application”) such that he can be given opportunity to continue utilizing the application site for the proposed use under the circumstances that, save and except the numbers and parameters of some on-site structures, there would be no changes in the nature/operation of the proposed use and the overall physical setting surrounding the application site. As detailed in throughout this Planning Statement, the proposed use is well justified on the grounds that:-

- (a) *It will be fully in line with the planning intention of “OS” zone which is primarily intended for open storage uses;*
- (b) *It will not be contrary to the TPB PG-No. 13G in that the application site falls within Category 1 areas where favourable consideration will normally be given by the Board;*
- (c) *The application site is subject to six previous planning approvals;*
- (d) *There will be no substantial changes in planning circumstances by allowing the current application and the Applicant has demonstrated his full compliance of approval planning conditions of the last approved application;*
- (e) *No adverse infrastructural nor environmental impacts are anticipated since there will be no changes in terms of nature and operation of the proposed use and more importantly, the existing drainage provision and landscape treatment would be continued to be properly maintained all the time; and*
- (f) *The temporary nature of the current application would not be contrary to the current rezoning application (No. Y/YL-NSW/9). Considering the rezoning application would require a certain processing time for assessment and consideration by the Board and/or relevant Government departments, and the relevant OZP amendment and implementation of the proposal are unlikely to be implemented within the next five years.*

In view of the above and the list of detailed planning justifications in this Planning Statement, it is sincerely hoped that the Board will give sympathetic consideration to approve the current application for a temporary period of five years.

行政摘要

(如內文與其英文版本有差異，則以英文版本為準)

此規劃報告書旨在支持一宗遞交予城市規劃委員會（以下簡稱「城規會」）的規劃申請（以下簡稱「該申請」）作為期五年的臨時貨櫃存放場用途（以下簡稱「擬議用途」）。該申請所涉及地點位於新界元朗青山公路沙埔丈量約份第 107 約地段第 1743 號 C 分段餘段（以下簡稱「申請地點」）。此規劃報告書提供該申請的背景資料及規劃理據以支持擬議用途。

申請地點涉及六宗同樣作「貨櫃存放場」用途並獲批准的先前申請，並於 2024 年 7 月 12 日刊憲公佈的《南生圍分區計劃大綱草圖》（編號：S/YL-NSW/9）中被劃為「露天貯物」地帶。

鑑於城規會於 2020 年 3 月 20 日批准的規劃許可（申請編號：A/YL-NSW/276）（以下簡稱「先前批准申請」）將於 2025 年 3 月 20 日到期，在沒有改變擬議用途性質和運作（除現場一些構築物的數量和參數有所修改外）、四周環境沒有改變的情況下，申請人希望能再次獲得批准，於申請地點作擬議用途，為期五年。

此規劃報告書詳細闡述擬議用途的規劃理據，當中包括：

- (一) 將完全符合申請地點所屬「露天貯物」地帶的規劃意向，皆因其意向主要作露天貯物用途；
- (二) 將不會與城規會規劃指引（編號：TPB-No. 13G）相抵觸，皆因申請地點在第 1 類地區內，擬議用途一般可獲城規會正面考慮；
- (三) 申請地點過往先後六次獲城規會批出規劃許可；
- (四) 批准該申請不會在規劃層面上帶來重大改變，皆因擬建用途的性質 / 運作、所屬地帶及其周邊環境沒有重大改變，加上申請人於先前批准申請時已履行所有批准附帶條件；
- (五) 將不會帶來嚴重的基建或環境影響，皆因擬議用途的性質和運作維持不變，加上現時所提供的渠務裝置及園林種植將會繼續好好保存；及
- (六) 該申請的臨時性質不會對涉及申請地點的改劃用途地帶申請（申請編號：Y/YL-NSW/9）構成抵觸。考慮到改劃用途地帶的申請需要一定的處理時間，以便委員會及 / 或相關政府部門進行評估和考慮，而相關的分區計劃大綱圖修訂及實施在未來五年內未必能夠落成。

鑑於以上及此規劃報告書內所提及的詳細規劃理據，懇請城規會酌情考慮批准該申請作為期五年的擬議用途。

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1. INTRODUCTION

1.1 Purpose

- 1.1.1 Pursuant to section 16 of the Town Planning Ordinance (TPO) (Cap. 131), this *Planning Statement* is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) for **Temporary Container Storage Yard for a Period of Five Years** (hereinafter referred to as “the proposed use”) at Lot 1743 S.C RP in D.D. 107, Castle Peak Road, Sha Po, Yuen Long, New Territories (hereinafter referred to “the application site”). The Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board. The application site has a total area of approximately 39,000m². Its location is shown on **Figure 1** whilst **Figure 2** indicates the relevant private lot which the application site involves.
- 1.1.2 Prepared on behalf of the operator of the proposed use (hereinafter referred to as “the Applicant”), Aikon Development Consultancy Limited have been commissioned to prepare and submit the current application on his behalf. The current application aims to reapply for a planning permission from the Board owing to the fact that the latest planning permission from the Board under Planning Application (No. A/YL-NSW/276) on 20.03.2020 will be lapsed on 20.03.2025 (hereinafter referred to “the last approved application”) such that the Applicant will be given an opportunity to continue utilising the application site for the proposed use.
- 1.1.3 The application site currently falls within an area zoned “Open Storage” (“OS”) on the draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9 exhibited for public inspection on 12.07.2024 (hereinafter referred to as “the Current OZP”) (please refer to **Figure 3**). According to the Schedule of Uses for “OS” zone attached to the Notes of the Current OZP, the proposed use is one of the Column 2 uses for which planning permission is required from the Board.
- 1.1.4 On 18.03.2016, an application under section 12A of the Town Planning Ordinance (Cap. 131) (Application No. Y/YL-NSW/3) (hereinafter referred to as “the approved rezoning application”) for rezoning the application site from “OS” zone to “Commercial” (“C”) zone was approved by the Board. While the application was approved by the Board, corresponding amendment to the Current OZP was not pursued during the plan amendment process in 2024, and the application site remained zoned as “OS” under the Current OZP without any changes.
- 1.1.5 On 21.04.2022, a rezoning application (Application No. Y/YL-NSW/9) was submitted to the Board to rezone the application site and adjoining area from “Industrial (Group D)”, “Open Storage” and area shown as ‘Road’ to “Residential (Group E)”. The application has yet to be considered by the Board. Considering that the rezoning application would require a certain processing time for assessment and consideration by the Board and/or relevant Government departments, and the relevant OZP amendment and implementation of the proposal are unlikely to be implemented

within the next five years, in this regard, the Applicant wish to continue to utilize the application site with the current approved use for five more years.

- 1.1.6 In view of the above and the fact that planning permission given to the last approved application will expire soon, the Applicant therefore wishes to seek planning permission again from the Board for the proposed use on a **temporary basis of five years** such that he can be given opportunity to continue utilising the application site for the proposed use under the circumstances that, save and except the dispositions and parameters of some on-site structures, there would be no substantial changes in the nature/operation of the proposed use and the overall physical setting surrounding the application site and that **temporary nature of the current application would not be contrary to the implementation of the approved rezoning application.**

1.2 Objectives

- 1.2.1 The current application strives to achieve the following objectives:-

- (a) *To be given an opportunity to the Applicant to continue utilising the application site for the proposed use under the circumstances that, save and except the dispositions and parameters of some on-site structures, there would be no changes in the nature/operation of the proposed use and the overall physical setting surrounding the application site and that temporary nature of the current application would not be contrary to the implementation of the approved rezoning application;*
- (b) *To maximize land utilization in an area already subject to the preponderance of industrial uses or open storage activities in the interim; and*
- (c) *To induce no adverse environmental nor infrastructural impacts on its surroundings by providing adequate protection and mitigation measures continuously.*

1.3 Structure of the Planning Statement

- 1.3.1 This Planning Statement is divided into 6 chapters. **Chapter 1** is the above introduction outlining the purpose and background of the current application. **Chapter 2** gives background details of the application site in terms of the current land-use characteristics and neighbouring developments. Planning context of the application site is reviewed in **Chapter 3** whilst **Chapter 4** provides details of the proposed use. A full list of planning justifications is given in **Chapter 5** whilst **Chapter 6** summarizes the concluding remarks for the proposed use.

2. SITE PROFILE

2.1 Location and Current Condition of the Application Site

2.1.1 As shown on **Figure 1**, the application site is located in Sha Po, Yuen Long and directly accessible via a local track at its northeast part abutting Castle Peak Road (Tam Mi Section) which is well connected with Tsing Long Highway and San Tin Highway running between Yuen Long and Sheung Shui.

2.1.2 The application site is generally flat and is a piece of hard-paved land currently being utilised for the proposed use (i.e. container storage yard) which has been in existence since the first approved application in 1994. Current conditions of the application site are demonstrated per **Illustration 1**.

2.2 Surrounding Land-use Characteristics

2.2.1 The locality of the application site as a whole is rural in character, predominated by scattered temporary structures, tree groups, vacant land, ponds, open storages, warehouses and rural industrial areas.

2.2.2 To the immediate north of the application site is the long-existed factories for manufacture of sauces namely Koon Chun Hing Kee Soy and Sauce Factory Ltd. which is currently zoned "Industrial (Group D)" ("I(D)") according to the Current OZP.

2.2.3 Castle Peak Road (Tam Mei Section), San Tin Highway and San Tam Road are found to the east of the application site. The rural industrial areas known as Mo Fan Heung and Fung Kut Heung lie to the east and northeast of the application site on the other side of San Tin Highway which are traditionally and primarily characterised by informal industrial workshops and factories.

2.2.4 To the west of the application site is a piece of vacant land, occupied by ponds and trees groups, and surrounded by the Kam Tin River. Some temporary structures and an open storage site are located adjacent to the southwest fringe of the application site. A vacant land overgrown with dense vegetation is found to the south of the application site.

3. PLANNING CONTEXT

3.1 The Current OZP

1.3.2 The application site currently falls within an area zoned “OS” on the Current OZP (please refer to **Figure 3**). According to the Schedule of Uses for “OS” zone attached to the Notes of the Current OZP, the proposed use, i.e. ‘Container Storage Yard’ is a Column 2 use for which planning permission is required from the Board. As stipulated in the aforesaid Notes, the planning intention of “OS” zone is ‘*primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises.*’

1.3.3 According to Notes of the Current OZP, ‘*temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan*’. In view of this, the Applicant wishes to reapply for a planning permission for the proposed use from the Board.

3.2 Previous Planning Applications

3.2.1 The application site was subject to 7 previous applications (No. A/DPA/YL-NSW/18, A/YL-NSW/2, 70, 158, 194, 234 and 276) for the same ‘Container Storage Yard’ use. Save and except application (No. A/DPA/YL-NSW/18) which was rejected by the Board, all other six applications were approved by the Board. While **Figure 5** shows the locations of all the previous applications, **Table 1** encapsulates details of these 7 previous applications. The latest application (No. A/YL-NSW/276) was approved by the Board on 20.03.2020 on the consideration that the development is in line with Town Planning Board Guidelines No. 13E (TPB PG-No. 13E); the development is not incompatible with the surrounding areas; and that there is genuine need to facilitate cross-boundary of goods in the area.

Table 1: Previous Planning Application for the same as the Proposed Use at the Application Site

Application No.	Proposed Use(s)	Date of Decision	Decision
A/DPA/YL-NSW/18	Container Storage Yard	13.05.1994	Rejected on review
A/YL-NSW/2	Temporary Container Storage Yard for a Period of 5 Years	30.12.1994	Approved with conditions on temporary basis on review for a period of 5 years
A/YL-NSW/70	Temporary Container Storage Yard for a Period of 5 Years	28.01.2000	Approved with condition(s) on a temporary basis for a period of 5 years

Application No.	Proposed Use(s)	Date of Decision	Decision
A/YL-NSW/158	Container Storage Yard	17.06.2005	Partially approved with conditions on a temporary basis on review for a period of 5 years
A/YL-NSW/194	Temporary Container Storage Yard for a Period of 5 Years	12.02.2010	Approved with condition(s) on a temporary basis for a period of 5 years
A/YL-NSW/234	Temporary Container Storage Yard for a Period of 5 Years	06.02.2015	Approved with condition(s) on a temporary basis for a period of 5 years
A/YL-NSW/276	Temporary Container Storage Yard for a Period of 5 Years	20.3.2020	Approved with condition(s) on a temporary basis for a period of 5 years

3.2.2 All approval conditions of the last approved application (No. A/YL-NSW/276) were duly complied with by the Applicant. **Table 2** concludes the compliance with planning conditions under the last approved application. When comparing the current application with the last approved application, there would be no changes in the nature and operation of the proposed use as well as the overall physical setting surrounding the application site save and except the numbers and parameters of some on-site structures. **Appendices 1 to 4** attaches the relevant discharge letters for the approval conditions.

Table 2: Compliance with Planning Approval Conditions under the Last Approved Application

Planning Approval Conditions		Discharged Date
(g)	the submission of records of the existing drainage facilities on site	06.08.2020
(h)	the submission of fire service installations proposal	23.11.2020
(i)	the implementation of the fire service installations proposal	01.03.2021

3.2.3 The nature of the current application in terms of approval period sought and proposed use is the same as that proposed in the last approved application. There is an increase in total floor area of about 323.39m² (about 9.81%) and increase in number of structures as comparing with the last approved application. However, there would be no changes in the planning circumstances, including nature/operation of the proposed use, the physical settings surrounding the application site when comparing with the last approved application. As such, no adverse planning implications by allowing the current application is likely to be anticipated.

3.3 Town Planning Board Guidelines No. 13G (TPB PG-No. 13G)

3.3.1 In 2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). According to

the said revised Guidelines, the application site falls within **Category 1** areas in that *“Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions”*. Based upon **6 previous planning approvals for use being the same as the proposed use** and that **all approval conditions as laid down in the approval of the last approved application (Application No. A/YL-NSW/276) were duly complied with by the Applicant**, the current application is considered fully in line with the aforesaid Guidelines.

3.4 The Approved Rezoning Application (No. Y/YL-NSW/3)

3.4.1 On 18.03.2016, an application under section 12A of the Town Planning Ordinance (Cap. 131) (Application No. Y/YL-NSW/3) for rezoning the application site from “OS” zone to “Commercial” (“C”) zone was approved by the Board. While the application was approved by the Board, corresponding amendment to the Current OZP was not pursued during the plan amendment process in 2024, and the application site remained zoned as “OS” under the Current OZP without any changes.

3.5 The Current Rezoning Application (No. Y/YL-NSW/9)

3.5.1 On 21.04.2022, a rezoning application (Application No. Y/YL-NSW/9) was submitted to the Board to rezone the application site and adjoining area from “Industrial (Group D)”, “Open Storage” and area shown as ‘Road’ to “Residential (Group E)”. The application has yet to be considered by the Board. Considering that the rezoning application would require a certain processing time for assessment and consideration by the Board and/or relevant Government departments, and the relevant OZP amendment and implementation of the proposal are unlikely to be implemented within the next five years, in this regard, the Applicant wish to continue to utilize the application site with the current approved use for five more years.

3.5.2 In view of the above and the fact that planning permission given to the last approved application will expire soon, the Applicant therefore wishes to seek planning permission again from the Board for the proposed use on a **temporary basis of 5 years** such that he can be given opportunity to continue utilising the application site for the proposed use under the circumstances that, save and except the numbers and parameters of some on-site structures, there would be no changes in the nature/operation of the proposed use and the overall physical setting surrounding the application site and that **temporary nature of the current application would not be contrary to the implementation of the rezoning application**.

3.6 Town Planning Board Guidelines No. 12C (TPB PG-No. 12C)

3.6.1 The application site falls within the Wetland Buffer Area (WBA) as stipulated in the TPB PG-No. 12C. The intention of the WBA is to protect the ecological integrity of the fishponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological

value of fishponds. Within the WBA, for development or redevelopment which requires planning permission from the Board, an ecological impact assessment would also need to be submitted.

- 3.6.2 Despite the fact that the application site falls within the WBA, temporary uses are **exempted** from the requirement of ecological impact assessment. According to the TPB PG-No. 12C, *“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”*. Considering that the application site is **located close to Lok Ma Chau crossing** and that the current application is to **continue the same use** in the same site area as previously approved, which does **not involve any pond filling**, it is considered sympathetic consideration could be given.

4. THE DEVELOPMENT PROPOSAL

4.1 Site Configuration and Layout

4.1.1 It is proposed to continue utilising the application site for the proposed use. As compared with the last approved scheme under the last approved application, there will be no significant change in the nature and operation of the current application save and except the numbers and parameters of some on-site structures. The total area of the application site remains approximately 39,000m².

4.1.2 The site configuration and layout are shown in the Indicative Layout Plan per **Figure 4**. As can be seen from **Figure 4**, the application site is sub-divided into four parts of which three parts are for the proposed use whilst one part is mainly designated as internal vehicular access waiting area for container vehicles getting in and out of the other three parts respectively. **Table 3** below encapsulates a comparison between the major development parameters/items of the current application and of the last approved application.

4.2 Operation

4.2.1 In order to ensure that no adverse traffic impact or human nuisance will be posed to the surrounding areas, the proposed use will only serve for those who require temporary container storage facilities. As proposed and allowed in the last approved application, **no night-time operations in the application site between 11:00 p.m. and 7:00 a.m.** and **the stacking height of the containers to be stored on site not exceeding five units** is proposed to be maintained in the current application. The **3m high solid barrier wall along the western and north-western boundary of the application site** is proposed to be maintained.

4.3 Vehicular Access Arrangement

4.3.1 As shown in **Table 3** and **Figure 4**, the application site is sub-divided into four parts of which three parts are for the proposed use whilst **one part is mainly designated as internal vehicular access and waiting area for container vehicles getting in and out of the other three parts**. The minimum width of ingress/egress point of each of these three parts is 10m whilst the ingress/egress of remaining part being designated for waiting area and internal vehicular access will also be 40m in width with a view to providing enough waiting/manoeuvring space for any queuing container vehicles after entering into the application site such that traffic tailing back to the Castle Peak Road can be avoid. Such arrangement was proposed in the Traffic Impact Assessment (TIA) and implemented in the traffic arrangement identified in the TIA during the compliance of relevant approval conditions of the previous approved application (No. A/YL-NSW/158). Given the **designation of internal vehicular access, waiting area and more than sufficient manoeuvring spaces are allowed within the application site for the proposed use**, there would be **no difficulties in terms of internal traffic circulation and no queueing of container vehicles waiting for getting in the application site will occur along Castle Peak Road** or outside the application site

under any circumstances. Similar to that in the last approved application, no parking spaces and unloading/unloading bay are proposed and designated as more than sufficient spaces within the application site have been allowed.

4.4 Provision of Existing Landscape Treatment

4.4.1 The approval condition pertaining to landscape as laid down by the Board for the last approved application (No. A/YL-NSW/276) was that (d) existing trees within the site shall be maintained at any times during the approval period. In this regard, it is proposed to maintain existing landscape planting on the application site during the approval period once the current application is approved by the Board as all of these existing trees were planted upon approval granted for the previous planning applications and are still in good and healthy condition. **Illustration 2** demonstrates the current conditions of the existing landscape treatment.

4.5 Provision of Existing Boundary Fencing

4.5.1 Similar to that for the last approval condition concerning boundary fencing as laid down by the Board for the last approved application (No. A/YL-NSW/276) *i.e. (e) the boundary fencing along the site shall be maintained at any times during the approval period*, the existing boundary fencing within the application site will be continued to be properly maintained during the approval period. Current conditions of the boundary fencing are demonstrated per **Illustration 2**.

4.6 Provision of Existing Drainage Facilities

4.6.1 The Applicant is well committed that, similar to that for the last approval condition concerning drainage facilities as laid down by the Board for the last approved application (No. A/YL-NSW/276) *i.e. (f) the drainage facilities implemented under application No. A/YL-NSW/234 shall be maintained at any times during the approval period*, the existing drainage provision within the application site will be continued to be properly maintained during the approval period. **Illustration 3** demonstrates the current conditions of the existing drainage facilities.

Table 3: Comparison of Major Parameters/Items of the Current Application and the Last Approved Planning Application No. A/YL-NSW/276

Major Parameters/Items	Last Approved Application (No. A/YL-NSW/276)		Current Application		Difference
Site Area (m ²)	About 39,000		About 39,000		No Change
Covered Area (m ²)	About 3,071.1 (7.87%)		About 3,277.59 (8.40%)		+206.5 (+6.72%)
Uncovered Area (m ²)	About 35,928.9 (92.13%)		About 35,722.41 (91.60%)		-206.5 (-0.58%)
Proposed Use(s)	Container Storage Yard		Container Storage Yard		N/A
Ancillary Structure (For Site Office / General Storage Uses / Meter Room/ Water Tank)	Structure	Floor Area (m ²) (About)	Structure	Floor Area (m ²) (About)	N/A
	A N/A*, 5.5m(h) (2-storey)	444.8 (222.4 x 2)	A N/A*, 5.5m(h) (2-storey)	444.8 (222.4 x 2)	
	B N/A*, 2.6m(h) (1-storey)	70.0	B N/A*, 2.6m(h) (1-storey)	70.0	
	C 14m(l) x 28.5m(w) x 6m(h) (1-storey)	399	C1 1.5m(l) x 1.5m(w) x 2m(h) (1-storey)	2.25	
			C2 1.5m(l) x 1.5m(w) x 2m(h) (1-storey)	2.25	
			C3 1.8m(l) x 1.8m(w) x 1.5m(h) (1-storey)	3.24	
			C4 1.5m(l) x 1.5m(w) x 2m(h) (1-storey)	2.25	
	D N/A*, 5.2m(h) (1-storey)	327.5	D N/A*, 5.2m(h) (1-storey)	327.5	
	E 11.5m(l) x 20.4m(w) x 6m(h) (1-storey)	234.6	E 11.5m(l) x 20.4m(w) x 6m(h) (1-storey)	234.6	
	F 18.1m(l) x 15.3m(w) x 6m(h) (1-storey)	276.9	F 18.1m(l) x 15.3m(w) x 6m(h) (1-storey)	276.9	
	G 12.2m(l) x 2.4m(w) x 2.6m(h) (1-storey)	29.3	G 19m(l) x 7.5m(w) x 6m(h) (1-storey)	142.5	
	H 27.0m(l) x 18.7m(w) x 5.2m(h) (1-storey)	504.9	H 12m(l) x 16m(w) x 6m(h) (1-storey)	192	
	I 22.1m(l) x 18.7m(w) x 5.2m(h) (1-storey)	413.3	I 12m(l) x 16m(w) x 6m(h) (1-storey)	192	
	J 12.2m(l) x 4.8m(w) x 2.6m(h) (1-storey)	58.6	J1 N/A*, 2.6m(h) (1-storey)	142.9	
			J2 4m(l) x 2m(w) x 2.6m(h) (1-storey)	8	
			J3 3m(l) x 2m(w) x 2.6m(h) (1-storey)	6	
K 24.3m(l) x 22m(w) x 5m(h) (1-storey)	534.6	K 24.3m(l) x 22m(w) x 5m(h) (1-storey)	534.6		

Major Parameters/Items	Last Approved Application (No. A/YL-NSW/276)	Current Application		Difference
		L 27.0m(l) x 18.7m(w) x 5.2m(h) (1-storey)	504.9	
		M 22.1m(l) x 18.7m(w) x 5.2m(h) (1-storey)	413.3	
Total No. of Structures	11	18		+7 (+63.63%)
Total Floor Area (m ²)	About 3,293.5	About 3,500		+206.5 (+6.26%)
Operation Hours	No night-time operations in the application site between 11:00 p.m. and 7:00 a.m.	No night-time operations in the application site between 11:00 p.m. and 7:00 a.m.		No Change
Min. Width of Ingress/Egress (m)	10 (For the subareas of the application site)	10 (For the subareas of the application site)		No Change
	40 (For accessing to the Waiting Area)	40 (For accessing to the Waiting Area)		No Change
Parking Spaces (PS) / Loading/ Unloading (U/L) Bay	Not designated as more than sufficient spaces within the application site have been allowed for PS and U/L Bay	Not designated as more than sufficient spaces within the application site have been allowed for PS and U/L Bay		No Change
Stacking Height of Containers	Not exceed 5 units	Not exceed 5 units		No Change
Drainage & Landscape Treatment	Proposed to be maintained at all time during approval period	Proposed to be maintained at all time during approval period		No Change

Note:

N/A* Dimension of Structure not applicable due to irregular shape

5. PLANNING JUSTIFICATIONS

5.1 Fully in Line with Planning Intention of “OS” zone

5.1.1 According to the Current OZP, the application site currently falls within an area zoned “OS” of which the planning intention is *‘primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises.’* In view of this, allowing the proposed use within the application site is considered fully in line with the planning intention of “OS” zone.

5.2 Fully in Line with the Town Planning Board Guidelines (No. TPB PG-No. 13G)

5.2.1 In 2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). According to the said revised Guidelines, the application site falls within Category 1 areas in that “Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions”. Based upon 6 previous planning approvals for use being the same as the proposed use and that all approval conditions as laid down in the approval of the last approved application (Application No. A/YL-NSW/276) were duly complied with by the Applicant, the current application is considered fully in line with the aforesaid Guidelines.

5.3 Application Site is Subject to Previous Planning Approvals for the Same Use

5.3.1 The application site is subject to 6 previous planning approvals (Applications No. A/YL-NSW/2, 70, 158, 194, 234 and 276) for use being the same as the proposed use. Approvals granted for the previous applications implied that the proposed use at the application site on a temporary basis is considered not incompatible with the planning intention of “OS” zone and the approval of the current application would not set an undesirable precedent.

5.4 No Substantial Changes in Planning Circumstances and Full Compliance of Approval Planning Conditions of Previous Planning Approval

5.4.1 The nature of the current application in terms of approval period sought and proposed use is the same as that proposed in the previously approved planning applications. Apart from the fact that there would be no changes in the nature/operation of the proposed use, there has also been no substantial changes in the planning circumstances such as land-use zoning and the physical settings surrounding the application site when comparing with the last approved application. In addition, no adverse planning implications by allowing the current application is likely to be anticipated and the Applicant has in fact complied with all approval planning conditions as laid down in the previous approval within specified time limits.

5.5 No Adverse Infrastructural nor Environmental Impacts

5.5.1 There will be no changes in terms of the nature of the proposed use and operation hours. More importantly, the existing boundary fencing, drainage provision and landscape treatment would continue to be properly maintained all the time upon granting of planning approval for the current application. Given the above and the fact that there have never been any complaints against the proposed use since it has come into operation for more than a decade, no infrastructural nor environmental impacts would be envisaged should approval for the current application be re-granted by the Board.

5.6 The Current Application Being Not Contrary to the Rezoning Application

5.6.1 On 18.03.2016, an application under section 12A of the Town Planning Ordinance (Cap. 131) (Application No. Y/YL-NSW/3) for rezoning the application site from “OS” zone to “Commercial” (“C”) zone was approved by the Board. While the application was approved by the Board, corresponding amendment to the Current OZP was not pursued during the plan amendment process in 2024, and the application site remained zoned as “OS” under the Current OZP without any changes.

5.6.2 On 21.04.2022, a rezoning application (Application No. Y/YL-NSW/9) was submitted to the Board to rezone the application site and adjoining area from “Industrial (Group D)”, “Open Storage” and area shown as ‘Road’ to “Residential (Group E)”. The application has yet to be considered by the Board. Considering that the rezoning application would require a certain processing time for assessment and consideration by the Board and/or relevant Government departments, and the relevant OZP amendment and implementation of the proposal are unlikely to be implemented within the next five years, in this regard, the Applicant wish to continue to utilize the application site with the current approved use for five more years.

5.6.3 In view of the above and that planning permission given to the last approved application will expire soon, the Applicant therefore wishes to seek planning permission again from the Board for the proposed use on a temporary basis of five years such that he can be given opportunity to continue utilising the application site for the proposed use under the circumstances that there would be no substantial changes in the planning circumstances including nature/operation of the proposed use and the overall physical setting surrounding the application site and that temporary nature of the current application would not be contrary to the implementation of the rezoning application. Moreover, it is the mere fact that such period of the planning approval could be adjusted by the Board to a period of less than five years, and that a fresh section 16 planning application is required upon its expiry. The entire authority is always from the Board that whether a new planning application for the continuation of the proposed uses is further allowed or not. It is therefore in this connection, the temporary nature of the proposed uses would not in any sense pose any constraint to jeopardize nor pre-empt the future implementation of the development proposal of the application site.

6. CONCLUSION

- 6.1.1 Pursuant to section 16 of the TPO (Cap. 131), this Planning Statement is submitted to the Board in support the current application for the proposed use, i.e. Temporary Container Storage Yard for a Period of 5 Years, at the application site, Lot 1743 S.C RP in D.D. 107, Castle Peak Road, Sha Po, Yuen Long, New Territories. This Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board.
- 6.1.2 The application site is subject to six approved previous applications for the same 'Container Storage Yard' use and currently falls within an area zoned "OS" on the Current OZP. The Applicant wishes to reapply for a planning permission from the Board owing to the fact that the latest planning permission from the Board under planning application (No. A/YL-NSW/276) approved on 20.03.2020 will lapse on 20.03.2025 such that he can be given opportunity to continue utilising the application site for the proposed use under the circumstances that, save and except the numbers and parameters of some on-site structures, there would be no changes in the nature/operation of the proposed use and the overall physical setting surrounding the application site.
- 6.1.3 As detailed in throughout this Planning Statement, the proposed use is well justified on the grounds that:-
- (a) *It will be fully in line with the planning intention of "OS" zone which is primarily intended for open storage uses;*
 - (b) *It will not be contrary to the TPB PG-No. 13G in that the application site falls within Category 1 areas where favourable consideration will normally be given by the Board;*
 - (c) *The application site is subject to six previous planning approvals;*
 - (d) *There will be no substantial changes in planning circumstances by allowing the current application and the Applicant has demonstrated his full compliance of approval planning conditions of the last approved application;*
 - (e) *No adverse infrastructural nor environmental impacts are anticipated since there will be no changes in terms of nature and operation of the proposed use and more importantly, the existing drainage provision and landscape treatment would be continued to be properly maintained all the time; and*
 - (f) *The temporary nature of the current application would not be contrary to the current rezoning application (No. Y/YL-NSW/9). Considering the rezoning application would require a certain processing time for assessment and consideration by the Board and/or relevant Government departments and the relevant OZP amendment and implementation of the proposal are unlikely to be implemented within the next five years.*
- 6.1.4 In view of the above and the list of detailed planning justifications in this Planning Statement, it is sincerely hoped that the Board will give sympathetic consideration to approve the current application for a temporary period of five years.