

RNTPC Paper No. A/YL-ST/508A
For Consideration by
the Rural and New Town
Planning Committee
on 12.1.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/508

- Applicant** : Land Jumbo Development Limited represented by Vision Planning Consultants Ltd.
- Site** : Lots 16 s.B RP (Part), 19 (Part), 21 (Part), 23 (Part), 24 (Part), 25 (Part), 26 (Part), 42 (Part) and 44 (Part) in D.D. 105 and adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : 3,550 m² (about) (including about 455 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Residential (Group D)” (“R(D)”)
- Application** : 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 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 subject of an application (No. A/YL-ST/493) for temporary open storage and retail sale of construction machinery, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board on 26.8.2016 for a period of 3 years until 26.8.2019. The northern portion of the Site is currently used for the applied use with valid permission under application No. A/YL-ST/493. Its ingress/egress falling within the Site is shown on **Plan A-2**. The remaining part of the Site is currently used as local track, with some vacant land being fenced off (**Plan 4a to 4c**).

- 1.3 The proposed temporary cold storage is a temperature-controlled (4-17 °C) store for items which may include home-made biscuits, chocolates, plants and flowers, health care products, general medicines/dental related products, cosmetic products, wines and spirits, tobacco, dried food, etc. and served only by light goods vehicles (LGV). It comprises two single-storey buildings, i.e. the main building being a cold storage with ancillary office, and an ancillary E&M building for transformer room, switch room, fire services water tank, pump room and guard room. Only the area for proposed cold store use (including the building and the parking area) will be fenced off while the remaining area will allow pedestrian/vehicles to access freely. 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. 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 proposed development parameters and layout of the application are summarized below:

Major Development Parameters	Proposed Temporary Cold Storage
Site Area	About 3,550 m ² (including about 455m ² of GL)
No. of Structure(s)	5 (cold store with ancillary office, ancillary E&M building and 3 portable toilets)
Total floor area	About 1,208m ²
Height of structures	Not more than 4.9 m for cold storage building Not more than 4m for ancillary E&M building
No. of Parking Spaces:	2
No. of Loading/Unloading Bays	6 for LGV
No. of Motorcycle Parking Space	1
Operation Hours	9:00 a.m. to 9:00 p.m. (Monday to Sunday) (7 days a week and on year-round basis)

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

- (a) Application form received on 7.8.2017 **(Appendix I)**
- (b) Supplementary Planning Statement with Proposed Tree Preservation Proposal and Landscape Master Plan, Traffic Impact Assessment (TIA), and Drainage Impact Assessment (DIA) **(Appendix Ia)**
- (c) Further information (FI) received on 16.10.2017 and 18.10.2017 providing responses to EPD's and TD's comments with revised layout plan, parking layout plans and landscape plan **(Appendix Ib)**
(*accepted and exempted from publication and recounting requirements*)

- (d) FI received on 26.10.2017 clarifying that only LGVs are (**Appendix Ic**) allowed to access the Site
(accepted and exempted from publication and recounting requirements)
- (e) FI received on 17.11.2017 clarifying the rationale for the site (**Appendix Id**) configuration, pedestrian and vehicular access arrangement for neighbouring residents and operation of the proposed cold store
(accepted and not exempted from publication and recounting requirements)
- (f) FI received on 5.1.2018 further clarifying the detailed **Appendix Ie** arrangement of reprovisioned pedestrian/vehicular access
(accepted and exempted from publication and recounting requirements)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Chapter 6 of Planning Statement at **Appendix Ia** and further information submitted (**Appendices Ib, Ic, Id and Ie**). They can be summarized as follows:

To Meet Short-term Demand for Cold Storage

- (a) The proposed temporary cold store will help to relieve the increasing demand pressure on cold storage as it will offer the market more choice for storing the imported foods, which will particularly be serving Yuen Long, Tin Shui Wai, Fanling and Sheung Shui area.
- (b) New and modernized purposely designed permanent cold storage buildings will not be available to meet the market demand in the coming three to five years in view of current situation.

Compatible with Surrounding Land Uses and Enhance the Existing Environment

- (c) The proposed temporary use only involves single-storey structures with main operation taken place within the enclosed structures. The nature and scale of the proposed development are compatible with the surrounding open storage and workshop uses with 1- to 2-storey temporary structures at Mai Po Lung area.
- (d) Small scale and colour scheme of the development together with the retention of existing mature trees and new planting trees (**Drawing A-2**) allow the development to blend in well with its surrounding rural setting.
- (e) The proposed development will improve the current vehicular run-in/-out arrangements, by removing some plants and installing new pavement within the development compound, so as to tidy up the present undesirable on-site access condition and activities.

Suitable Location and Site Configuration for Proposed Development

- (f) The Site served by existing road network is suitable location for providing temporary cold storage for cold items imported from the Mainland, especially for serving the new towns at Sheung Shui, Yuen Long and Tin Shui Wai.
- (g) The site boundary covers a larger area than the area for the proposed cold store use (**Drawing A-1**) as it has taken considerations of the land ownership, existing site context and opportunity to improve the existing environment. Only the area for proposed cold store use (including the building and the parking area) will be fenced off while the remaining area will allow pedestrian/vehicles to access freely.
- (h) The Site has encroached upon part of the site under application No. A/YL-ST/493 (**Plan A-2**). As the applicant is the land owner of the concerned area, the existing operator of Application No. A/YL-ST/493 has no objection to set back the site accordingly to allow shared access should the current application be approved.

Optimised Use of Land Resources

- (i) The proposed temporary use can optimize the use of land resources to meet the short-term need of the community. It will also help clear the on-site temporary structures and uses to facilitate future redevelopment so as to in line with the long-term planning intention of existing “R(D)” zone.

No Adverse Traffic, Drainage and Noise Impacts

- (j) The results of TIA and DIA (Appendices III and IV of **Appendix Ia**) shows that the proposed development has no adverse traffic and drainage impacts. The TIA concludes that the proposed development will even bring about reduction in traffic flow in the adjoining road network.
- (k) The proposed operation will be restricted to the use of LGV only so as to avoid possible environmental nuisance arising from the proposed use. All noise sources of the ancillary temperature-controlled system will be installed within the E&M room where will be fully enclosed by building structure. No adverse noise impact upon surrounding noise sensitive receivers is anticipated. The operation hours of cold store’s operation will be restricted to a period of 9 am to 9pm.

Arrangement for Neighbouring Residents and Operator of Adjacent Site

- (l) The existing pedestrian and vehicular accesses (including EVA) affected by the proposed development will be reprovisioned in the proposed scheme with pedestrian access of 2 m in width along the eastern site boundary and vehicular/pedestrian access of 3.5m in width along the western site boundary (**Drawing A-1** and **Plan A-5**). Two sets of moveable gates (i.e. for pedestrian access and EVA respectively) will be provided in the western and eastern boundary fences for free access of local residents 24 hours daily. The pedestrian gates will have no lock while the vehicular gates are installed with crash bars and external open buttons for use of emergency vehicles and with presence of security guards 24 hours daily on-site to provide assistance to the pedestrian/emergency

vehicles at the Site if and when necessary. A direction signage will be posted at the main entrance to guide the local residents about the proposed free access arrangement and the Applicant will continue to discuss issues arising from the proposed development with the local residents, if any.

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 has been involved in an active enforcement case for unauthorized development (UD) for fuel filling station. Chief Town Planner/ Central Enforcement & Prosecution (CTP/CEP) issued Enforcement Notice (EN) to the registered owner of the concerned lots on 24.8.2017 and was expired on 24.10.2017. According to CTP/ CEP’s site visit on 25.10.2017, the UD was discontinued. The Site is currently under close monitoring.

5. Previous Applications

5.1 The Site is in part subject of 25 previous applications (Application No. A/YL-ST/53, 76, 81, 85, 114, 124, 130, 133, 185, 196, 199, 205, 209, 212, 224, 235, 244, 249, 265, 286, 327, 332, 386, 432 and 493). 12 of which were rejected while the other 13 applications were approved by the Committee (**Plan A-1b**).

Approved Applications

5.2 There are 13 previously approved applications as summarized below:

- (a) Application No. A/YL-ST/124 covering a larger area (16,400m²) for proposed residential development was approved by the Committee on 5.5.2000, mainly on the consideration that the proposed development was in line with the planning intention of the “R(D)” zone, and the proposed development would not cause adverse traffic, drainage, environmental and visual impacts on the surrounding area. The permission lapsed on 5.5.2003.
- (b) 8 applications (Application No. A/YL-ST/53, 85, 133, 244, 327, 386, 432 and 493) on the same site abutting Castle Peak Road-San Tin (covering about 6.9 % of the Site or about 245m²) for temporary open storage and retail shop of construction machinery were approved by the Committee for a period of 12 months/3 years from 1998 to 2016. The last Application No. A/YL-ST/493 submitted by a different applicant for temporary open storage and retail sale of construction machinery was approved by the Committee on 26.8.2016 for a period of 3 years, mainly on the consideration 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 TPB PG-No. 13E; and approval of the application would not

frustrate the long-term planning intention of the “R(D)” zone. Apart from approval conditions including implementation of FSIs proposal, submission and implementation of tree preservation proposals, other approval conditions have been compiled with.

- (c) 4 applications No. A/YL-ST/76, 81, 114 and 130 for temporary container trailer/tractor park and warehouse were approved by the Committee on 22.1.1999, 30.4.1999, 3.3.2000 and 2.6.2000 respectively for period of 12 months/3 years mainly on the consideration that no adverse departmental comments were received.

Rejected Applications

5.3 12 applications (No. A/YL-ST/185, 196, 199, 205, 209, 212, 224, 235, 249, 265, 286, 332) mainly for temporary container tractor and trailer park, warehouse, open storage of construction machinery and retail uses for a period of 3 years were rejected by the Committee from 2002 to 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.

5.4 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

6. Similar Applications

Since 2008, 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. The application was approved mainly on the consideration that 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; no complaints had been received in the past 3 years and no public objection to the subject application was received.

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

7.1 The Site is:

- (a) accessible at the north through Castle Peak Road – San Tin;
- (b) mainly occupied by open storage of construction machinery, parking of vehicles and vacant land;

- (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/493;
 - (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.
- 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 (**Plan A-2 and A-3**):
- (a) to the immediate west are vacant land and residential dwellings. To further west is vegetated area zoned “Green Belt”;
 - (b) to the immediate south is open storage of construction machinery;
 - (c) to the immediate east are some residential dwellings, cultivated land, and unused land;
 - (d) to the immediate northeast is an open storage of construction machinery approved under Application No. A/YL-ST/493; and
 - (e) to the north across the Castle Peak Road- San Tin are open storage of containers, parking of container vehicles, logistics centre 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 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) 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”.
- (c) A portion of the Government land (GL) (about 135m²) of the Site (**Plan A-2**) is covered by Short Term Tenancy (STT) No. 2997 for the purpose of “Temporary Open Storage and Retail Sale of Construction”.
- (d) No permission is given for occupation of the remaining GL of about 320m² in area (subject to verification) included in the Site. The act of occupation of remaining GL without Government’s prior approval is not allowed.
- (e) The Site is accessible to Castle Peak Road - San Tin through both PL and GL. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the subject planning application, the lot owners will need to apply to this office to permit the structures to be erected or regularize any irregularities on site. Besides, 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 GL. Furthermore, the STW/STT holders will need to apply to this office for modification of the STW/STT conditions if there is any irregularity on site. Such application will be considered by Lands Department acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by Lands Department.

Traffic

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

- (a) He has no comment on the car parking provision, internal traffic arrangements and the access road of the Site to the public road.
- (b) The reprovisioning of access for existing residents is not managed by TD. The applicant should check with LandsD & HAD whether the re-provided access is to the satisfaction of relevant land and maintenance authorities.

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 by C for T.
- (b) HyD is not and shall not be responsible for the maintenance of the existing vehicular 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):

The Site neither falls within any administrative route protection boundary, gazette railway schemes, nor railway protection boundary of heavy rail systems. As such he has no comment on the subject application from railway development point of view.

Environment

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

- (a) It is noted that all noise sources of the ancillary temperature-controlled system will be installed within the E&M room which will be fully enclosed by building structure. Provided that all openings, such as windows and doors, are not facing the nearby sensitive receivers, he has no comment on the application.
- (b) Should the application be approved, the applicant should refer to Annex I and II of the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) for the environmental measures and good engineering practice to minimize inconvenience and environmental nuisance to nearby residents and other sensitive receivers. Noise generating activities should be located away as far as possible from any noise sensitive receivers. Sewage discharge from the site should be directed to nearby public sewer. In case of unavailability of public sewer, a septic tank and soakaway pit should be provided. The applicant is also reminded to comply with relevant environmental protection and pollution control ordinances. In particular, the applicant should commit to use Acceptable Noise Level -5 dB(A) as noise design level for compliance with the HKPSG.

- (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 (45-90m to its northeast), she 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 water supplies for firefighting and 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;
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
- (c) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (d) The EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Building Department.

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 open sheds and containers as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW) under the Building Ordinance (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 the 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 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 subject application from drainage operation and maintenance point of view. The drainage submission by the applicant is considered acceptable from drainage operation and maintenance point of view.
- (b) 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. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (c) No public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.

- (d) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.

Environmental Hygiene

9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) If any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD;
- (b) If FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD;
- (c) If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD;
- (d) Proper licence / permit issued by this Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (e) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

Landscape

9.1.11 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) With reference to the aerial photo dated 15.4.2015 and site visit dated 30.8.2017, the Site is situated in an area of rural landscape

character comprising of open storage, small houses and scattered tree groups in its vicinity. Crowns of some existing trees in close proximity to the eastern and western boundaries of the Site likely extend inside site boundary. The proposed use is not incompatible with the surrounding open storage setting. Adverse landscape impact is not anticipated for the proposed use.

- (c) Should the application be approved, the following approval condition is recommended to be included in the planning permission:

Submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or the TPB

9.1.12 Comments of the Director of Leisure and Cultural Service (DLCS):

- (a) He has no comment on the application
- (b) It is noted that some trees in GL are proposed to be removed. From tree preservation point of view, every effort should be made to preserve the existing trees on site and minimize the adverse effect to them during work. Should any trees be unavoidably affected by the proposed development, project proponent should submit tree removal application with full justifications to relevant government department(s) for consideration and approval.

Security Aspect

9.1.13 Comments of the Commissioner of Police (C of P):

He has no objection in principle but is concerned about the traffic. He advises that there should be no queuing or obstruction at Castle Peak Road. TD's professional opinion should be taken into account. Further, as the San Tin villagers and Mai Po villagers may also be concerned the traffic problem, related village representatives may have to be consulted to gauge the villagers' sentiment.

Water Supply

9.1.14 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 affected water mains (**Plan A-2**) shall be provided to the satisfaction of WSD. No structure

shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes.

- (c) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works and all other services across, through or under it which the Water Authority may require or authorize.
- (d) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan.
- (e) The developer shall bear the cost of any necessary diversion works affected by the proposed development.
- (f) 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.
- (g) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

District Officer's Comment

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

- (a) His office has no comment on the application.
- (b) There is one objecting comment from San Tin Rural Committee mainly on the grounds that the proposed use will generate adverse traffic impact to the surrounding areas and the Castle Peak Road.

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

- (a) Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD);
- (b) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (c) Director of Electrical and Mechanical Services (DEMS).

10. Public Comments Received During Statutory Publication Period

The application and subsequent FI were published for public inspection on 15.8.2017 and 28.11.2017 respectively. During the statutory public inspection period, a total of 13 objecting comments were received from 6 villagers and private individuals (**Appendix III**). They object to the application mainly on the grounds that the proposed development will block the existing local pedestrian/vehicular access (including EVA); the width of the reprovisioned pedestrian/vehicular access proposed by the applicant is not sufficient; there will be adverse impacts on drainage, environment (e.g. including noise and heat, etc.) electricity supply, hygiene of the surrounding areas; and the Site is suspected to be used as illegal petrol station instead of cold storage.

11. Planning Considerations and Assessments

11.1 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, there was no substantiated environmental complaint related to the Site has been recorded in the past 3 years. The applicant indicates that only LGV will be allowed to access the Site and all noise sources of the ancillary temperature-controlled system will be installed within the E&M room which will be fully enclosed by building structure. DEP has no comment on the application given that all openings, such as windows and doors, are not facing the nearby sensitive receivers. Approval conditions on operation hours, the types of vehicles, and provision of boundary fencing have been recommended in paragraphs 12.2 (a) and (c) below to mitigate any potential environmental impacts to the surrounding areas. 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 “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts on the nearby sensitive receivers, and to comply with relevant environmental protection and pollution control ordinances. In particular, the applicant should commit to use Acceptable Noise Level -5 dB(A) as noise design level for compliance with the HKPSG.

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 TD, FSD, 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 (i) below should the Board decide to approve the application.

- 11.4 12 previous applications mainly for open storage, vehicle park and warehouse uses were approved by the Committee since 1998 (**Plan A1-b**). The last Application No. A/YL-ST/493 for temporary open storage and retail sale of construction machinery was approved by the Committee on 26.8.2016 for a period of 3 years. An application (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 on 17.6.2011 based on similar considerations (**Plan A-1a**). Approval of the application is in line with the Committee’s previous decisions.
- 11.5 There are 13 public comments including 6 from nearby residents objecting to or raising adverse comments on grounds that the proposed development will block the existing pedestrian/vehicular access to the surrounding residential dwellings and the proposed reprovisioned pedestrian/vehicular access is of insufficient width; and the proposed development will have adverse impacts on environment, drainage and environmental hygiene of the surrounding areas. The planning assessments above are relevant. On blockage of access, the applicant has proposed to reprovision pedestrian and vehicular accesses (including EVA) of 2m and 3.5m wide respectively, and allow free pedestrian and emergency vehicular accesses through the Site by providing two sets of moveable gates. 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 (a) of the **Appendix IV**.

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 **12.1.2021**. 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 tones 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) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 12.7.2018;
- (e) 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 12.7.2018;
- (f) in relation to (e) above, the implementation of fire service installations within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.10.2018;
- (g) the implementation of the accepted 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 12.7.2018;
- (h) the submission of landscape and tree preservation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town planning Board by 12.7.2018;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town planning Board by 12.10.2018;
- (j) if the above planning condition (a), (b) or (c) 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
- (k) if any of the above planning conditions (d), (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.
- (l) upon the expiry of the planning permission, the reinstatement of the 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are 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

Appendix I	Application form received on 7.8.2017
Appendix Ia	Planning Statement
Appendix Ib	FI received on 16.10.2017 and 18.10.2017
Appendix Ic	FI received on 26.10.2017
Appendix Id	FI received on 17.11.2017
Appendix Ie	FI received on 5.1.2018
Appendix II	Previous s.16 applications covering the application Site
Appendix III	Public comments received during publication period
Appendix IV	Recommended advisory clause
Drawing A-1	Master Layout plan
Drawing A-2	Landscape Master Plan
Drawings A-3 & 4	Re-provision of Existing Local Access
Drawings A-5 & 6	Landscape Section Plans
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Applications

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4c	Site Photos
Plan A-5	Plan showing the Existing and Reprovisioned Pedestrian and Vehicular Accesses

**PLANNING DEPARTMENT
JANUARY 2018**