

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/STT/23

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| <u>Applicant</u> | : Mr. Tsui Yat Wah represented by Ever United Planning and Development Limited |
| <u>Site</u> | : Lots 2385 (Part) and 2400 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long |
| <u>Site Area</u> | : About 1,660m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2 |
| <u>Zoning</u> | : “Open Space” (“O”) (about 66.5%) and area shown as ‘Road’ (about 33.5%) |
| <u>Application</u> | : Temporary Wholesale Trade (Electronic Goods) and Storage with Ancillary Office for a Period of 3 Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary wholesale trade (electronic goods) and storage with ancillary office for a period of three years at the application site (the Site), which falls within an area partly zoned “O” (about 66.5%) and partly shown as ‘Road’ (about 33.5%) on the OZP (**Plan A-1a**). According to the covering Notes of OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved and used for the applied use with some temporary structures without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from a local access leading to Kwu Tung Road (**Plans A-1a and A-2**), with an ingress/egress (about 8m wide) at the northern part of the Site. According to the applicant, the applied use is for wholesale trade and storage of electronic goods, including refrigerators, air conditioners, televisions and printers etc. The applied use with a total floor area of not exceeding 740m² involves one single-storey structure (about 12m in height) for wholesale trade and storage uses, and one two-storey structure (about 6m in height) for ancillary office and toilet uses. One private car parking space (5m x 2.5m), two loading/unloading (L/UL) spaces for light goods vehicle (7m x 3.5m) and one L/UL space for medium/heavy goods vehicle (M/HGV) (11m x 3.5m) are provided at the Site. No dangerous goods are stored at the Site and no repairing, dismantling, assembling or other workshop activities are carried out at the Site. The applied use operates from Mondays to Saturdays (excluding public holidays) from 9:00 a.m to 7:00 p.m. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of a previous application (No. A/YL-NTM/453) which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023. Planning permission under the previous application was subsequently revoked in 2023 due to non-compliance with approval conditions (detailed at paragraph 5 below). Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with some changes in development parameters and layout (mainly including reduction in number of structures and total floor area, and addition of a L/UL space for M/HGV).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 24.4.2025 and (Appendix I)
Supplementary Information (SI) received on 29.4.2025
 - (b) Further Information (FI) received on 2.6.2025* (Appendix Ia)
 - (c) FI received on 11.6.2025* (Appendix Ib)
- * 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 the Application Form, SI and FI at **Appendices I to Ib**, and can be summarised as follows:

- (a) The applied use is surrounded by temporary structures for storage use, port back-up activities and warehouse, and is not incompatible with the surrounding environment.
- (b) Temporary approval of the applied use can better utilise land resources to provide more employment opportunities. Besides, as the Site is situated in the Phase 2 Development of San Tin Technopole (the Technopole) and land resumption is yet to commence, the applied use will not frustrate the long-term planning intention of the “O” zone and the area shown as ‘Road’.
- (c) The applicant proposes various mitigation measures, including erection of site fence and three-sided enclosed structure, to minimise the potential adverse environmental impacts to the surrounding areas. The applicant also commits to following strictly the relevant environmental protection and pollution control ordinances. No significant traffic, environmental, visual and drainage impacts to the surrounding areas are anticipated. The applicant has also submitted a fire service installations (FSIs) proposal and a drainage proposal to support the current application.
- (d) The applicant will comply with the approval conditions and apply for Short Term Waiver to regularise the temporary structures at the Site should the application be approved by the Board.

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

The applicant is not a “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning

Ordinance (TPB PG-No. 31B) by publishing notices in local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 The Site, in whole or in part, is the subject of five previous applications (No. A/YL-NTM/94, 245, 316, 349 and 453¹). Four of which (No. A/YL-NTM/94, 245, 316 and 349) were for proposed filling of pond for permitted open storage or agricultural uses and their considerations are not relevant to the current application which involves a different use.
- 5.2 The remaining application (No. A/YL-NTM/453) for proposed temporary wholesale trade (electronic goods) and storage with ancillary office for a period of three years was approved by the Committee in 2023 mainly on the considerations that the proposed use was not incompatible with the surrounding environment; and there was no adverse comment from concerned government departments or their technical concerns could be addressed by approval conditions. Its planning permission was subsequently revoked in 2023 due to non-compliance with the time-limited approval conditions related to the submission of FSIs proposal and drainage proposal. Compared with the last previous application (No. A/YL-NTM/453), the current application is submitted by the same applicant for the same use at the same site with different development parameters and layout as set out in paragraph 1.3 above.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Application

There is no similar application within the subject "O" zone and area shown as 'Road' on the OZP in the past five years.

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

- 7.1 The Site is:
- (a) currently fenced-off, hard-paved and used for the applied use with some temporary structures without valid planning permission; and
 - (b) accessible from the north via a local access leading to Kwu Tung Road.
- 7.2 The surrounding areas are rural in character and predominated by warehouses, storage yards, vehicle parks, vehicle repair workshop, canteen, residential structures and

¹ The application sites fell within the then "Open Storage" zone on the previous versions of OZPs at the time of consideration by the Committee.

grassland.

8. Planning Intention

- 8.1 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 8.2 The area shown as ‘Road’ forms part of the area reserved for future Road D1.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices III** and **IV** respectively.
- 9.2 The following government departments have specific comments on the application:

Project Interface

- 9.2.1 Comments from the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

the Site falls within the boundary of Phase 2 Development of the Technopole. According to the latest tentative development programme, it is planned to commence land resumption for the Phase 2 Development progressively in early 2027. Therefore, land resumption involving the Site may commence in the coming three years.

Open Space Provision

- 9.2.2 Comments from the Director of Leisure and Cultural Services (DLCS):
- (a) he has no in-principle objection to the application since the application is for three years only; and
 - (b) he has no plan to develop the Site into public open space in the coming three years.

10. Public Comment Received During Statutory Publication Period

On 2.5.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concern that the approval conditions of the previous application were not complied with (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary wholesale trade (electronic goods) and storage with ancillary office for a period of three years at the Site partly zoned “O” (about 66.5%) and partly shown as ‘Road’ (about 66.5%) (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of the “O” zone and area shown as ‘Road’, on long-term development perspective, PM(N), CEDD advises that the Site is under Phase 2 Development of the Technopole where land resumption is planned to commence progressively in early 2027 and land resumption involving the Site may commence in the coming three years. On the other hand, DLCS has no objection to the application as there is no plan to develop the Site into public open space in the coming three years. In this regard, the applied use is of temporary basis only and should the Committee decide to approve the application, it is recommended to incorporate an advisory clause to remind the applicant that the Site may be resumed by the Government and the applied use may be terminated at any time during the planning approval period for implementation of Government projects. In view of the above and taking into account the planning assessments below, there is no objection to the current application for a period of three years.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are rural in character predominated by warehouses, storage yards, vehicle parks, vehicle repair workshop, canteen, residential structures and grassland (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as the applied use is not incompatible with the surrounding landscape character and adverse landscape impact within the Site arising from the applied use is not anticipated.
- 11.3 Other relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department and other relevant environmental guidelines and legislation to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 11.4 The Site is involved in an approved previous application (No. A/YL-NTM/453) for the same use at the same site submitted by the same applicant and the planning permission was subsequently revoked in 2023 due to non-compliance with time-limited approval conditions related to the submission of a FSIs proposal and a drainage proposal as detailed in paragraph 5 above. In this regard, the applicant has submitted a FSIs proposal and a drainage proposal in support of the current application, and D of FS and CE/MN, DSD has no objection to the application. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Regarding the public comment as stated in paragraph 10 above, the planning

considerations and departmental comments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, PlanD has no objection to the application.
- 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 three years until 20.6.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.12.2025;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.3.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.12.2025;
- (e) in relation to (d) above, the implementation of the revised fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.3.2026;
- (f) if the above planning condition (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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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.

Advisory clauses

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

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

the applied use is not in line with the planning intentions of the "Open Space" zone and area shown as 'Road', which are for providing outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the

general public and for road development respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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

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| Appendix I | Application Form received on 24.4.2025 and SI received on 29.4.2025 |
| Appendix Ia | FI received on 2.6.2025 |
| Appendix Ib | FI received on 11.6.2025 |
| Appendix II | Previous Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public Comment |
| Drawing A-1 | Layout Plan |
| Plan A-1a | Location Plan |
| Plan A-1b | Previous Applications Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4b | Site Photos |

**PLANNING DEPARTMENT
JUNE 2025**