

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/STT/25

<u>Applicant</u>	:	Mr. FAN Kai Ming
<u>Site</u>	:	Lots 16 S.B ss.2 (Part), 16 S.B ss.3, 16 S.B RP (Part), 19 S.A and 19 RP (Part) in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	:	About 2,309m ² (including GL of about 503m ² or about 21.8% of the Site)
<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”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage and retail sale of construction machinery for a period of three years at the application site (the Site), which falls within an area zoned “O” on the OZP (**Plan A-1a**). According to the Notes of the 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 occupied by the applied uses with valid planning permission under application No. A/YL-ST/623 until 26.8.2025 (**Plans A-2a to A-4b**).
- 1.2 The Site is accessible from a local access leading to Castle Peak Road – San Tin (**Plan A-2a**), with an ingress/egress (about 5.2m wide) at the western part of the Site. According to the applicant, the applied uses involve a two-storey structure (about 5.5m in height) with a total floor area of about 474m² for storage and ancillary office uses. Besides, six private car parking spaces are provided within the Site. The applied uses operate from Mondays to Saturdays from 8:00 am to 7:00 pm, with no operation on Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site, in whole or in part, is the subject of 15 previous applications, ten of which were for the same open storage and retail sale of construction machinery uses (details at paragraph 6 below), including the last application No. A/YL-ST/623 submitted by the same applicant for the same uses at the same Site which was approved by the Rural

and New Town Planning Committee (the Committee) of the Board on 29.7.2022, and all approval conditions have been complied with. Compared with the last application, the layout, development parameters and operation hours under the current application remain unchanged.

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

- (a) Application Form received on 19.5.2025 and (Appendix I)
Supplementary Information (SI) received on 22.5.2025
- (b) Further Information (FI) received on 23.6.2025* (Appendix Ia)
- (c) FI received on 14.7.2025* (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 Site was the subject of previous planning permissions for temporary open storage and retail sale of construction machinery. All the approval conditions imposed on the previous planning application No. A/YL-ST/623 have been complied with. In support of the current application, the applicant has submitted photographic records of the existing drainage facilities, a fire service installations (FSIs) plan accepted under the last application and the corresponding F.S. 251 certificates. The applicant will continue to maintain the existing FSIs and drainage facilities on the Site.
- (b) All loading/unloading activities are undertaken within the Site, and no significant traffic impacts on the surrounding areas are anticipated.
- (c) Short Term Waiver No. 3145 and Short Term Tenancy No. 2997 were granted by the Lands Department (LandsD) for the Site. The applicant would like to continue his business and offer job opportunities for its long serving staff in the interim before land resumption.
- (d) The applicant commits to cease and clear the operations within the land resumption area before commencement of relevant works to be carried out by the Government.

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 obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements are not applicable.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) are relevant to the application. The Site falls within the San Tin Technopole (the Technopole), which is regarded as a new development area.
- 4.2 The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are also relevant to the application.
- 4.3 The relevant extracts of the above-mentioned Guidelines are attached at **Appendix II**.

5. Background

- 5.1 The Site fell within an area zoned “Residential (Group D)” (“R(D)”) on the then approved San Tin OZP No. S/YL-ST/8. In order to take forward the Technopole development, the draft San Tin Technopole OZP No. S/STT/1, which covers the Site among others, was exhibited under section 5 of the Town Planning Ordinance on 8.3.2024. The draft OZP was subsequently approved by the Chief Executive in Council on 17.9.2024 and the approved San Tin Technopole OZP No. S/STT/2 was gazetted on 20.9.2024. The Site now falls within an area zoned “O” on the OZP.
- 5.2 The Site is not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site, in whole or in part, is the subject of 15 previous applications¹ (**Plan A-1b**). Five of the previous applications (No. A/YL-ST/124, 224, 508, 573 and 640) were for proposed residential development, temporary container trailer/tractor park and temporary cold storage and their considerations are not relevant to the current application which involves different uses. Details of the previous applications are summarised at **Appendix III** and their location are shown on **Plan A-1b**.
- 6.2 The remaining ten applications (No. A/YL-ST/53, 85, 133, 244, 327, 386, 432, 493, 551 and 623) for the same applied uses on temporary basis (including two for renewal of planning permissions granted) were all approved by the Committee between 1998 and 2022, mainly on the considerations that the applied uses would not frustrate the long-term planning intention of the Site; the applied uses were considered not incompatible with the surrounding land uses; and there was no adverse comment from concerned government departments or their concerns could be addressed by imposing approval conditions. For the last application No. A/YL-ST/623, which was submitted by the same applicant for the same applied uses at the Same site with the same layout, development parameters and operation hours, all time-limited approval conditions have been complied with and the planning permission is valid until 26.8.2025.

¹ The application sites fell within the then “Residential (Group D)” (“R(D)”) zone on previous version(s) of OZP at the time of consideration by the Committee.

7. Similar Applications

During the past five years, there were two similar applications (No. A/YL-ST/589² and A/STT/5) covering the same site for temporary shop and services (sale of vehicles parts and accessories) use abutting the Site within the same “O” zone. The applications were approved with conditions by the Committee in 2021 and 2024 mainly on the similar considerations as stated in paragraph 6.2 above. Details of the similar applications are summarised at **Appendix III** and its locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently occupied by the applied uses with valid planning permission; and
- (b) accessible from the west via a local access leading to Castle Peak Road – San Tin.

8.2 The surrounding areas are rural in character and predominated by open storage, residential structures, woodland, vehicle repair workshop, vehicle park, sale of vehicle parts and accessory with valid planning permission and vacant land.

9. Planning Intention

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.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 IV** and **V** respectively.

10.2 The following government department has specific comments on the application:

Open Space Provision

10.2.1 Comments from the Director of Leisure and Cultural Services (DLCS):

- (a) no in-principle objection to the application since the application is for three years only; and
- (b) there is no plan to develop the Site into public open space in the coming three years.

² The application fell within the then “Residential (Group D)” (“R(D)”) zone on previous version of OZP at the time of consideration by the Committee.

- 10.3 The following government departments object to or have adverse comments on the application:

Long-term Development and Land Administration

- 10.3.1 Comments from the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD) and Chief Estate Surveyor/Acquisition, Lands Department (CES/A of LandsD):

- (a) they object to the subject application;
- (b) the Site comprises GL and Lot Nos. 16 S.B ss.2, 16 S.B ss.3, 16 S.B RP, 19 S.A and 19 RP in D.D. 105 in the Site are 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;
- (c) the private Lot No. 16 S.B RP in D.D. 105 is covered by Short Term Waiver (STW) No. 3145 for the purpose of “Storage and retail sale of construction machinery and ancillary use”, the private Lot No. 19 RP in D.D. 105 is covered by STW No. 5408 for the purpose of “Temporary cold storage”, and the GL within the Site is covered by Short Term Tenancy No. 2997 for the purpose of “Temporary Open Storage and Retail sale of Construction Machinery”; and
- (d) the subject lots at the Site are affected by the development of San Tin Technopole (Phase 1) at Yuen Long (First Batch). According to the Gazette Notices No. 4235 gazetted on 11.7.2025, the subject lots will be reverted to the Government on 11.10.2025 (the Reversion Date). In this regard, approval for the planning application beyond the Reversion Date is not supported.

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

the Site falls within the boundary of Phase 1 Stage 1 Development of the Technopole. The land resumption notices for the private lots within the area was posted on 10 July 2025 by LandsD and the anticipated departure date of the concerned area is no earlier than March 2026. Such application clashes with their proposed work under their contract.

Environment

- 10.3.3 Comments from the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective in accordance with the latest Code of Practice on Handling the Environment Aspects of Temporary Uses and Open Storage Sites (CoP) as the applied uses would involve dusty operations and there are residential structures/sensitive receivers in the vicinity;
- (b) there was no environmental complaint related to the Site in the past

three years; and

- (c) advisory comments are detailed at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 27.5.2025, the application was published for public inspection. During the statutory publication period, one public comment was received from an individual raising concern that the applied uses would cause nuisance to the surrounding wetland habitat.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary open storage and retail sale of construction machinery for a period of three years at the Site zoned “O” (**Plan A-1a**). While the applied uses are considered not in line with the planning intention of the “O” zone, the applicant claims that the applied uses could offer job opportunities for its staff in the interim before land resumption and 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. PM(N) of CEDD advises that the Site falls within the boundary of Phase 1 Stage 1 Development of the Technopole with the anticipated departure date of no earlier than March 2026 for the concerned area where the Site is located thereat. In addition, DLO/YL of LandsD and CES/A of LandsD object to the application as the Site will be resumed and reverted to the Government on the Reversion Date (**Plan A-2b**). Notwithstanding this, the applied uses of temporary basis only will not affect the long-term planning intention of the Site. The applicant also commits to cease and clear the operations within the land resumption area before commencement of relevant works to be carried out by the Government. To address the concerns of PM(N) of CEDD and DLO/YL and CES/A of LandsD, an advisory clause reminding the applicant that the Site may be resumed by the Government and the applied uses may be terminated at any time during the planning approval period for implementation of Government projects is recommended should the Committee decide to approve the application. In view of the above and taking into account the planning assessments below, there is no objection to the renewal application for a period of three years.
- 12.2 The applied uses are considered not incompatible with the surrounding areas which are rural in character and predominated by open storage, residential structures, woodland, vehicle repair workshop, vehicle park and vacant land (**Plan A-2a**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as the applied uses are not incompatible with the surrounding landscape setting and adverse landscape impact within the Site arising from the applied uses are not anticipated.
- 12.3 The application is considered generally in line with TPB PG-No. 13G in that the Site falls within the Technopole; previous approvals for the same uses at the Site have been granted since 1998; all time-limited approval conditions of the last previous application (No. A/YL-ST/623) have been complied with; and the relevant government departments consulted including the Director of Agriculture, Fisheries and Conservation, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government

departments, relevant approval conditions are recommended in paragraph 13.2 below. While DEP does not support the application as the applied uses involve dusty operations and there are sensitive receivers of residential structures in the vicinity of the Site (**Plan A-2a**), there was no substantiated environmental complaint received against the Site in the past three years. Should the application be approved, the applicant will 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 to minimise any potential environmental nuisance caused by the applied uses on the surrounding areas.

- 12.4 Although the zoning of the Site has been changed from “R(D)” to “O” as mentioned in paragraph 5.1 above and the Site would be reverted to the Government soon as mentioned in paragraph 12.1 above, noting that all the time-limited approval conditions under the previous application (No. A/YL-ST/623) have been complied with; the three-year approval period sought is reasonable and of the same timeframe as the previous approval; and the planned development of the Site would not be pre-empted given the applicant’s commitment to cease and clear the operation before commencement of site formation and infrastructural works to be carried out by the Government, the application is considered not in conflict with TPB-PG No. 34D. In this regard, sympathetic consideration may be given to the current application, so that the Site could be used for the applied uses in the interim before land resumption.
- 12.5 Given the ten approved previous applications for the same applied uses and two approved similar applications in the vicinity of the Site in the past five year as mentioned in paragraphs 6 and 7 above, approving the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, PlanD has no objection to the application.
- 13.2 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 and be renewed from 27.8.2025 to 26.8.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period; and
- (b) if the above planning condition (a) 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.

Advisory clauses

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

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

the Site falls within Phase 1 Stage 1 Development of the San Tin Technopole with imminent land resumption and development programme, and will be reverted to the Government on 11.10.2025. Approval of the application would jeopardise the planned development of the Site under the San Tin Technopole.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 19.5.2025 and SI received on 22.5.2025
Appendix Ia	FI received on 23.6.2025
Appendix Ib	FI received on 14.7.2025
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos