

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

**APPLICATION NO. A/STT/33**

- Applicant** : Richmax Transportation Limited represented by R-riches Planning Limited
- Site** : Lot 139 (Part) in D.D. 96, Poon Uk Tsuen, San Tin, Yuen Long
- Site Area** : About 2,205 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2
- Zoning** : “Village Type Development” (“V”)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Shop and Services, Eating Place and Public Vehicle Park (excluding Container Vehicle) with Ancillary Facilities and Associated Excavation of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services, eating place and public vehicle park (excluding container vehicle) with ancillary facilities and associated excavation of land for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Shop and Services’ and ‘Eating Place’ (being not on the ground floor of a New Territories Exempted House (NTEH)), as well as ‘Public Vehicle Park (excluding container vehicle)’, which are Column 2 uses, and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by a temporary public vehicle park with valid planning permission under application No. A/YL-ST/642<sup>1</sup> (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from a local access leading to Lok Ma Chau Road (**Plan A-2**) with an ingress/egress (about 11m wide) at its northern part. According to the applicant, the proposed uses, with a total floor area of about 853m<sup>2</sup>, involve two two-storey structures (with height of about 8.23m) for eating place, shop and services, washroom, ancillary site office and fire services pump room. The proposed shop and services use will be mainly for selling household items and daily necessities, and/or a real estate agency. For the proposed public vehicle park, 20 private car parking spaces and three

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<sup>1</sup> The applicant clarified that the structure for the applied shop and services use under application No. A/YL-ST/642 has not yet been constructed.

light goods vehicles (LGV) parking spaces will be provided. In addition, eight private car parking spaces and one loading/unloading space for LGV will also be provided to serve the proposed shop and services and eating place. No medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance will be allowed to be parked/stored on or enter/exit the Site at all times. Besides, no open storage, storage of dangerous and dusty goods, storage of unlicensed vehicle, car beauty, washing, cleaning, paint-spraying, repairing, dismantling or other workshop activities will be involved at the Site at all times. The applicant also applies for excavation of land with an area of about 60m<sup>2</sup> and not more than 4m in depth for provision of the underground fire service water tank to meet the relevant fire services requirement. The proposed shop and services and eating place will operate from 9:00 a.m. to 9:00 p.m. daily including public holidays, whereas the proposed public vehicle park will operate 24 hours daily including public holidays. The layout plan and plan showing the proposed excavation of land submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is the subject of a previous application (No. A/YL-ST/642) for temporary public vehicle park (excluding container vehicle) and shop and services approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023. Compared with the last application submitted by a different applicant, the current application involves a different layout with slight reduction in site area (-145m<sup>2</sup> / -6%), increase in total floor area (+604m<sup>2</sup> / +243%), increase in building height (+1.73m / +27%) and addition of eating place use and excavation of land.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments and Supplementary Information (SI) received on 9.4.2026 and 10.4.2026 respectively (**Appendix I**)
  - (b) Further Information (FI) received on 18.5.2026\* (**Appendix Ia**)  
*\* 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 Ia**, and can be summarised as follows:

- (a) The proposed uses at the Site intend to support the nearby residents as there are no eating places and shops selling household items and daily necessities in the vicinity of the villages. The approval of the application on a temporary basis will not frustrate the long-term planning intention of the “V” zone. Besides, the heights of the proposed structures are comparable to nearby village houses. Hence, the proposed uses are not incompatible with the surrounding environment.
- (b) To minimise adverse environmental impacts and nuisance to the surrounding areas, the applicant commits to following the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) as well as all environmental protection/pollution control ordinances at all times during the approval period of the planning permission.

- (c) The applicant commits to following the ‘Control of Oily Fume and Cooking Odour from Restaurants and Food Business’ to control oily fume and cooking odour emissions generated from the proposed eating place. Besides, adequate equipment will also be provided at the kitchen ventilation system to treat fume emissions before being discharged.
- (d) In support of the application, the as-built drainage plan approved under the previous planning application No. A/YL-ST/642 is submitted. The applicant will continue maintaining the on-site drainage system at the Site. Adverse environmental, traffic and drainage impacts on the surrounding areas are not anticipated. Upon approval of the application, a fire service installations proposal will be submitted.

### 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 posting site notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Town Planning Board Guidelines**

The Site is located within the Wetland Buffer Area (WBA) in Deep Bay Area (**Plan A-1**). The Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) and ‘Application for Eating Place within “Village Type Development” zone in Rural Areas under section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

### 5. **Background**

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

### 6. **Previous Application**

The Site is the subject of a previous application No. A/YL-ST/642 submitted by a different applicant for similar temporary public vehicle park (excluding container vehicle) and shop and services, which was approved with conditions for a period of five years by the Committee on 31.3.2023 mainly on the considerations that the proposed uses would not jeopardise the long-term planning intention of the “V” zone; the proposed uses were not incompatible with the surrounding areas; the proposed uses were in line with TPB PG-No.15A; and the relevant government departments consulted had no objection to or no adverse comment on the application. All approval conditions of the previous application were complied with and the planning permission is valid until 31.3.2028. Compared with the last application submitted by a different applicant, the current application involves different layout and development parameters as well as addition of eating place use and excavation of land as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix III**. Its location is shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 During the past five years, there were 23 similar applications involving 17 sites for temporary shop and services or eating place or public vehicle park within the “V” zones in the vicinity of the Site on the OZP. Amongst these 23 similar applications, 22 were approved by the Committee between 2021 and 2026 mainly on similar considerations as mentioned in paragraph 6 above. The remaining application (No. A/YL-ST/593) for temporary shop and services was rejected by the Committee in 2021 on the considerations that the proposed use was not in line with the planning intention of “V” zone and there was no strong justification for a departure from the planning intention; the scale of the commercial development was considered excessive; and the proposed use was not compatible with the developments in the surrounding areas. Details of the similar applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1**.
- 7.2 Other than the similar applications as stated in paragraph 7.1 above, application No. A/STT/34 for the similar use of proposed temporary public vehicle park (private cars and LGV) and eating place will be considered by the Committee at the same meeting (**Plan A-1**).

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

- 8.1 The Site is:
- (a) currently hard-paved and occupied by a public vehicle park with valid planning permission;
  - (b) accessible from the north via a local access leading to Lok Ma Chau Road; and
  - (c) located within WBA of Deep Bay Area.
- 8.2 The surrounding areas are rural in character and predominated by village settlements of Poon Uk Tsuen, grassland, vacant land, woodland, gardening area and Tsz Tong.

## **9. Planning Intention**

- 9.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House (SH) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.2 According to the Explanatory Statement of the OZP for “V” zone, as excavation of land may cause adverse drainage impacts on the areas and adverse impacts on the environment, permission from the Board is required for such activities.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 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 IV and V** respectively.

10.2 The following government department has adverse comment on the application:

### **Land Administration**

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

- (a) has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lot 139 in D.D. 96 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) LandsD has reservation on the application since there is/are unauthorised structure(s) on Lot 139 in D.D. 96 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (d) there is/are unauthorised structure(s) within the said private lot(s) not covered by the planning application. The lot owner(s) should immediately rectify/ apply for regularisation on the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (e) there is no SH application under processing nor approved for Lot 139 in D.D. 96; and
- (f) advisory comments are detailed in **Appendix V**.

## **11. Public Comment Received During Statutory Publication Period**

On 17.4.2026, 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 drainage and fire services requirements should be fulfilled before operation of the proposed uses (**Appendix VI**).

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary shop and services, eating place and public vehicle park (excluding container vehicle) with ancillary facilities and associated

excavation of land for a period of three years at the Site zoned “V” (**Plan A-1**). Whilst the proposed uses are not entirely in line with the planning intention of “V” zone, according to the applicant, the proposed uses are to serve the local and workers nearby. Besides, DLO/YL of LandsD advises that there is no SH application approved or under processing at the Site. The proposed uses of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. In view of the above and taking into account the planning assessments below, there is no objection to the proposed uses on a temporary basis for a period of three years.

- 12.2 Excavation of land in “V” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department and Director of Environmental Protection have no in-principle objection to and no adverse comment on the application from drainage operation and maintenance and environmental planning perspectives respectively.
- 12.3 The proposed uses are considered not incompatible with the surrounding areas which are rural in character and predominated by village settlements of Poon Uk Tsuen, grassland, vacant land, woodland, gardening area and Tsz Tong (**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 and considers that no distinctive landscape resources or mature trees are observed within the Site and significant adverse landscape impact arising from the proposed uses is not anticipated.
- 12.4 The Site falls within the WBA in Deep Bay Area under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.5 The application is generally in line with TPB PG-No. 15A in that the proposed eating place is located at the fringe of Poon Uk Tsuen and is accessible via a local access from Lok Ma Chau Road. Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services 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. It is also recommended to advise the applicant to follow the latest ‘CoP’ to minimise any potential environmental nuisances on the surrounding areas. Regarding DLO/YL of LandsD’s concern on the unauthorised structure(s) or use(s) on the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 There are one approved previous application for temporary public vehicle park and shop and services use at the Site and 22 approved similar applications within the “V” zones in the vicinity of the Site in the past five years as detailed in paragraphs 6 and 7.1 above respectively. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 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 until 5.6.2029. 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;
- (b) the submission of a 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 5.12.2026;
- (c) in relation to (b) above, the implementation of the 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 5.3.2027;
- (d) 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; and
- (e) if any of the above planning condition (b) or (c) 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 V**.

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

the proposed uses are not in line with the planning intention of the "Village Type Development" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

### **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**

<b>Appendix I</b>	Application Form received on 9.4.2026 and SI received on 10.4.2026
<b>Appendix Ia</b>	FI received on 18.5.2026
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C and 15A
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Plan showing the Proposed Excavation of Land
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2026**