

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

APPLICATION NO. A/STT/1

- Applicant** : Treasure Day Inc. Limited represented by Lanbase Surveyors Limited
- Site** : Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 16,442m² (including about 8,708m² of GL (about 53%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1
- Zonings** : “Other Specified Uses” annotated “Innovation and Technology” (“OU(I&T)”) (about 90%); “Government, Institution or Community” (“G/IC”) (about 5.6%); and area shown as ‘Road’ (about 4.4%)
- [“OU(I&T)” zone: restricted to a maximum building height of 155mPD]*
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of three years at the application site (the Site) which is partly zoned “OU(I&T)” (about 90%) and “G/IC” (about 5.6%) and partly shown as ‘Road’ (about 4.4%) on the draft San Tin Technopole OZP No. S/STT/1 (**Plan A-1a**). According to the Notes of the OZP, ‘Public Vehicle Park’ and ‘Public Vehicle Park (excluding container vehicle)’ are Column 1 uses under “OU(I&T)” and “G/IC” zones respectively and are always permitted; while the applied use within the area shown as ‘Road’ requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning

permission under application No. A/YL-ST/588 until 22.5.2024 (**Plans A-2, A-4a to A-4c**).

- 1.2 The applied use involves a total of 551 parking spaces, including 545 parking spaces for private cars and six parking spaces for Lok Ma Chau – Huanggang Cross Boundary shuttle buses. The temporary development comprises a total of five existing one to two-storey structures (2.5m to 2.6m in height) for site offices, shroff and refreshment kiosk with a total gross floor area of about 411.77m² (**Drawing A-1**). The Site is accessible at its south off Castle Peak Road – San Tin (**Plan A-2**). According to the applicant, the applied use operates 24 hours daily from Mondays to Sundays.
- 1.3 The Site, in whole or in part, is the subject of 16 previous applications (see details under paragraph 6 below). The last application for renewal (No. A/YL-ST/588) submitted by the same applicant for the same applied use with same development parameters and layout was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 14.5.2021 and is valid until 22.5.2024. All the time-limited approval conditions of the previous application had been complied with. Details of all the previous applications are in paragraph 6 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 21.3.2024 and (**Appendix I**)
Supplementary Information (SI) received on 26.3.2024
 - (b) Planning Statement (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and Planning Statement at **Appendices I to Ia** which can be summarised as follows:

- (a) The Site was granted planning permissions for the same or similar use under previous planning applications. The existing site condition is similar to those under the previous approvals.
- (b) All existing facilities including fencing, paving, landscape planting and drainage facilities would remain unchanged and be well maintained. The applicant is willing to improve the condition to meet the Government's requirements.
- (c) All approval conditions under application No. A/YL-ST/588 had been complied with. Genuine efforts were made to comply with the approval conditions thus favourable considerations should be given to the application.
- (d) Given the increasing cross-border activities, the 545 private car parking spaces provided at the Site are necessary to meet the increasing parking demand at Lok Ma Chau. The Site also includes six Lok Ma Chau – Huanggang Cross Boundary

Shuttle Bus parking spaces to support the shuttle bus services at San Tin Interchange.

- (e) Due to the increasing parking demand, surrounding areas have been used for public vehicle parks, open storage and other port back-up uses while the sites near the Lok Ma Chau Control Point have mostly been converted into public vehicle parks. There were recent planning permissions granted for similar temporary vehicle parks in the surrounding areas. The applied use is therefore compatible with the surrounding uses in the area.
- (f) No additional traffic, drainage and environmental impacts are anticipated.

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

The applicant is not a “current land owner” 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 notifying the concerned land owners through publishing notices in local newspapers and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

A majority part of the Site is located at the fringe of the Wetland Buffer Area (WBA) in Deep Bay Area (**Plan A-1a**). 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 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 relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

- 5.1 The Site fell within an area zoned “Undetermined” (“U”) on the then approved San Tin OZP No. S/YL-ST/8. In order to take forward the proposed development for the Technopole, the draft San Tin Technopole OZP No. S/STT/1, which covers among others, the area falling within the then approved San Tin OZP including the Site, was exhibited under section 5 of the Town Planning Ordinance on 8.3.2024. The Site now falls within an area partly zoned “OU(I&T)” and “G/IC” and partly shown as ‘Road’ on the draft San Tin Technopole OZP No. S/STT/1.
- 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 16 previously approved applications (No. A/DPA/YL-ST/9 and 17, A/YL-ST/13, 14, 17, 52, 131, 204, 229, 308, 357, 409, 435, 463, 523 and 588) (**Plan A-1b**), of which 11 applications (No. A/YL-ST/52, 131, 204, 229, 308, 357, 409, 435, 463, 523 and 588) were for public vehicle parks.
- 6.2 Amongst the 11 previously approved applications mainly for public vehicle parks, four applications (No. A/YL-ST/52, 131, 204 and 229) were submitted by different applicants, whereas the remaining seven (No. A/YL-ST/308, 357, 409, 435, 463, 523 and 588) were submitted by the current applicant. These applications were approved by the Committee on a temporary basis for a period of two to three years between 1998 and 2021 mainly on the considerations that the proposed development could satisfy the parking demand arising from the local villagers and cross-boundary travelers; was not incompatible with the surrounding land uses; and would not frustrate the future land uses of the then “U” zone. All the approval conditions of the last approved application (No. A/YL-ST/588) had been complied with.
- 6.3 The remaining five approved applications (No. No. A/DPA/YL-ST/9 and 17, A/YL-ST/13, 14 and 17) mainly for container vehicle park/container storage yard/container trailer park/open storage of containers are not relevant to the current application.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 During the past five years, there are 12 similar applications¹ for public vehicle parks within or straddling across the “OU(I&T)” or “G/IC” zone or the area shown as ‘Road’ in the vicinity of the Site. Except one application (No. A/YL-ST/417) which was rejected by the Board upon review in 2013 mainly for the reasons that the development was not in line with the planning intention of the “GB” zone and the relevant Town Planning Board Guidelines; and there was insufficient information to demonstrate the proposed development would not have adverse impact on the surrounding area, all other 11 applications were approved with conditions each for a period of three years by the Committee mainly on similar considerations as stated in paragraph 6.2 above.
- 7.2 Details of these similar applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1a**.

¹ These similar applications fell within “U” and/or “Green Belt” (“GB”) zone on the then San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

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

8.1 The Site is:

- (a) currently used for the applied use (i.e. temporary public vehicle park (for private cars and Lok Ma Chau – Huanggang cross boundary shuttle buses only)), with the same development parameters and site layout, and with valid planning permission (No. A/YL-ST/588) until 22.5.2024;
- (b) divided into western and eastern portions connected by an internal driveway;
- (c) largely (about 80%) located within the WBA of Deep Bay Area; and
- (d) accessible at the south off Castle Peak Road – San Tin.

8.2 The surrounding areas are predominantly car parks, open storage of construction machinery (with valid planning permissions under application No. A/YL-ST/617 and 635), MTR (East Rail Line), Cross Boundary Shuttle Bus San Tin Terminus, San Tin Public Transport Interchange and Construction Industrial Council San Tin Training Ground (with valid planning permission under application No. A/YL-ST/658) and unused land.

9. Planning Intention

- 9.1 The “OU(I&T) zone is intended primarily to provide development space for accommodating a variety of innovation and technology uses, including research and development, production activities, data centre, staff accommodation/talent apartment, supporting commercial/retail facilities and other complementary infrastructure.
- 9.2 The “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 9.3 The area shown as ‘Road’ forms part of the area reserved for future Road D6 of the Technopole and road works for the Castle Peak Road – San Tin.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 below, other government 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 are provided in **Appendices IV and V** respectively.

- 10.2 The following government departments have the following comments on the application:

Project Interface

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

the Site is within the proposed boundary of the Technopole and under Phase 1 development. According to the latest tentative development programme, it is targeted to commence the works in phases tentatively starting from 2024 after the funding approval by the Finance Committee of the Legislative Council. Therefore, the Site within the boundary of the Technopole, may probably be required for timely clearance and construction.

11. Public Comments Received During Statutory Publication Period

On 2.4.2024, the application was published for public comment. During the statutory publication period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park (for private cars and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of three years at the Site, which falls within an area partly zoned “OU(I&T)” and “G/IC” and partly shown as ‘Road’ on the draft San Tin Technopole OZP No. S/STT/1 (**Plan A-1a**). While the applied use is always permitted under the “OU(I&T)” and “G/IC” zones, it requires planning permission from the Board for the portion of the Site falling within the area shown as ‘Road’ on the OZP. The area shown as ‘Road’ is partly reserved for proposed Road D6 of the Technopole and partly for the widening of Castle Peak Road – San Tin. The applied use is not in line with the planning intention for the area shown as ‘Road’, while PM(N), CEDD advises that the Site will be required for timely clearance and construction for relevant works of the Technopole tentatively starting from 2024. Should the application be approved by the Board, relevant advisory clause will be recommended to remind the applicant that the Site may be resumed by the Government and that the applied use may be terminated at any time during the planning approval period for implementation of imminent government projects.
- 12.2 The Site is currently used for the applied use, which is considered not incompatible with the surrounding land uses which are predominantly car parks, open storage of construction machinery, bus terminus and unused land (**Plan A-2**). Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective as further adverse landscape impact is not anticipated.
- 12.3 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement

of Ecological Impact Assessment. Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.

- 12.4 While the Site has been rezoned from “U” zone on the then San Tin OZP to an area partly zoned “OU(I&T)” and “G/IC” and partly shown as ‘Road’ on the draft San Tin Technopole OZP, there has been no material change in planning circumstances of the Site, the site condition and the surrounding land uses since the granting of the previous approval. The renewal application is considered generally in line with TPB PG-No. 34D in that no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the last application had been complied with; and the three-years approval period sought which is same as the previous planning application is reasonable.
- 12.5 Concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application. The applied use will unlikely create adverse traffic, environmental, drainage and fire safety impacts to the surrounding areas. Technical requirements of the concerned government departments are suggested to be imposed through relevant approval conditions as recommended in paragraph 13.2 below. Besides, the applicant will be advised to follow the relevant measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate potential environmental impacts on the surrounding areas.
- 12.6 As detailed in paragraphs 6 to 7 above, the Site is the subject of 16 previously approved applications, including 11 for same/similar uses and 11 approvals for similar applications in the past five years. The applied use of the current application at the Site is the same as the existing use with valid planning permission. Approval of the current application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the applied use could be tolerated for a period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of three years and be renewed from 23.5.2024 to 22.5.2027. The following conditions of approval and advisory clauses are also suggested for Member’s reference:

Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;

- (b) only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the Site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of photographic records of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.8.2024;
- (h) the submission of fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.11.2024;
- (i) in relation to (h) above, the implementation of fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.2.2025;
- (j) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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 condition (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.

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 applied use is not in line with the planning intention of the area reserved for 'Road' which is primarily for road development. 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 renewal of the planning 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 21.3.2024 and SI received on 26.3.2024
Appendix Ia	Planning Statement
Appendix II	Relevant Extracts of TPB PG-No. 12C and 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
MAY 2024**