

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

APPLICATION NO. A/STT/15

- Applicant** : Harvest Dragon Corporation Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 3045 RP and 3056 RP in D.D. 102 and adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : 456m² (including GL of about 258 m² (about 56.6% of the Site))
- 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”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars 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 for a period of three years at the application site (the Site) which falls within an area zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-ST/606 until 28.1.2025 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from a local access leading to Castle Peak Road – San Tin (**Plan A-2**), with an ingress/egress (about 7.5m wide) at the southern part of the Site. According to the applicant, the applied use involves 11 private car parking spaces (each of 5m x 2.5m) and a two-storey site office with toilet (not exceeding 6m in height) with a floor area of about 70m² (**Drawing A-1**). The applied use operates 24 hours daily from Mondays to Sundays (including public holidays). No vehicle without valid licences issued under the Road Traffic Regulation is permitted to park and no car washing, vehicle repairing, dismantling, paint spraying or other workshop activity will be carried out at the Site.

- 1.3 The Site, in whole or in part, is the subject of nine previous applications for public vehicle park use, of which seven were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2005 and 2022 (details at paragraph 6 below). The last application No. A/YL-ST/606 was approved by the Committee on 28.1.2022 for a period of three years until 28.1.2025, and all time-limited approval conditions have been complied with. Compared with the last application, the current application is submitted by a different applicant, who is the owner of the Site, for the same applied use at the same site with the same layout, development parameters and operation hours.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 12.11.2024 and (Appendix I)
Supplementary Information (SI) received on 13.11.2024
 - (b) Further Information (FI) received on 28.11.2024* (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 and Ia**. They can be summarised as follows:

- (a) The applied use is for parking of private cars only. It is in line with the planning intention of the “V” zone and is compatible with the surrounding environment.
- (b) There is insufficient supply to meet the exigent car parking demand in Wing Ping Tsuen. The applied use could meet the parking demand from nearby villagers.
- (c) Previous planning approvals had been given for public vehicle park at the Site. The Site is the subject of a previous application No. A/YL-ST/606 for the same applied use with the same layout. All time-limited approval conditions under the previous application had been satisfactorily complied with. Similar public vehicle parks had also been approved in nearby areas within the same “V” zone.
- (d) An as-built drainage plan and a fire service installations (FSIs) plan accepted under the previous application No. A/YL-ST/606 and the corresponding FS251 certificate have been submitted. The applied use would not cause significant traffic, environmental and drainage impacts to the surrounding areas.

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. For the GL portion, 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) are not applicable.

4. Town Planning Board Guidelines

- 4.1 The Site is located within 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) is relevant to the application.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is also relevant to the application.
- 4.3 Relevant extracts of the abovementioned Guidelines are attached at **Appendix II**.

5. Background

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 20 previous applications (No. A/YL-ST/16, 34, 41, 57, 104, 126, 153, 203, 222, 261, 270, 288, 307, 317, 343, 391, 479, 505, 537 and 606) (**Plan A-1b**).

Public vehicle park use

- 6.2 Amongst the 20 previous applications, nine (No. A/YL-ST/270, 288, 307, 317, 343, 391, 479, 537 and 606) were for temporary public vehicle park use on the same site or a larger site, of which seven of them were approved by the Committee or the Board upon review between 2005 and 2022 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was 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/606, which is submitted by a different applicant for the same applied use 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 28.1.2025.
- 6.3 Two applications (No. A/YL-ST/270 and 307) on larger sites for temporary public vehicle parks were rejected by the Committee in 2004 and 2006 respectively mainly for reasons that the proposed use was not in line with the planning intention of the “V” zone and there were programmes for Small House (SH) developments within the sites.

Other temporary uses

- 6.4 The remaining 11 previous applications (No. A/YL-ST/16, 34, 41, 57, 104, 126, 153, 203, 222, 261 and 505) were not relevant to the current application as they involved other temporary uses, such as container trailer/tractor parks, vehicle repair workshops, shop and services, etc.

- 6.5 Details of the previous applications are summarised at **Appendix III** and their location are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 During the past five years, there were eight similar applications (No. A/YL-ST/579, 583, 584, 587, 591, 608, 624¹ and A/STT/12) for temporary public/private vehicle parks within the subject “V” zone on the OZP. All applications were approved with conditions by the Committee between 2021 and 2024 mainly on the similar considerations as stated in paragraph 6.2 above.
- 7.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) currently occupied by the applied use with valid planning permission (No. A/YL-ST/606) until 28.1.2025;
 - (b) accessible from the south via a local access leading to Castle Peak Road – San Tin; and
 - (c) located within the WBA in Deep Bay Area.
- 8.2 The surrounding areas are rural in character predominated by village houses/residential structures, shops and services and vehicle parks to the north, west and south of the Site, and Drainage Service Department (DSD)’s site office, Highways Department’s maintenance centre and vacant land to the east of the Site across Castle Peak Road – San Tin.

9. Planning Intention

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 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 New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 below, other

¹ All these seven similar applications fell within the same “V” zone on the then approved San Tin OZP No. S/YL-ST/8 at the time when they were considered by the Committee.

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**.

10.2 The following government department supports the application:

Traffic

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

- (a) he supports the planning application as the temporary public vehicle park could meet the public demand for vehicle parking spaces; and
- (b) advisory comments are detailed in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 19.11.2024, the application was published for public inspection. During the statutory public inspection 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 for a period of three years at the Site zoned “V” (**Plan A-1a**). Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the applicant states that the applied use could meet the local parking demand from the nearby villagers. C for T supports the application as it could meet the public demand of vehicle parking spaces. Besides, the District Lands Officer/Yuen Long of Lands Department advises that there is no SH application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The Site is currently used for the applied use, which is the same as that approved under the last application No. A/YL-ST/606. Given its small scale and the nature of serving the local community, the applied use is considered not incompatible with the surrounding land uses which are rural in character predominated by village houses/residential structures, shops and services, vehicle parks and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and advises that no significant landscape impact arising from the applied use is anticipated.
- 12.3 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.
- 12.4 In support of the current application, the applicant has submitted an as-built drainage plan and a FSIs plan accepted under the previous application No. A/YL-ST/606 and the

corresponding FS251 certificate, which were considered acceptable by the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services respectively. Other relevant government departments consulted, including the Director of Environmental Protection, have no objection to or no adverse comments on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the revised “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 use on the surrounding areas.

- 12.5 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the last application (No. A/YL-ST/606) had been complied with; and the three-year approval period sought which is same as the previous planning application is reasonable.
- 12.6 As detailed in paragraphs 6 to 7 above, the Site is the subject of seven previously approved applications for same/similar use of the current application, and there were eight similar applications approved in the vicinity of the Site in the past five years. As there has been no major change in planning circumstances, approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, 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 29.1.2025 to 28.1.2028. 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;
- (b) the submission of records of the existing drainage facilities on the site 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 29.4.2025;
- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) 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

- (e) if the above planning condition (b) 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 "Village Type Development" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion and land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given 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

Appendix I	Application Form received on 12.11.2024 and SI received on 13.11.2024
Appendix Ia	FI received on 28.11.2024
Appendix II	Relevant Extracts of TPB PG-No. 12C and 34D
Appendix III	Previous and Similar 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 Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos