

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/STT/17

- Applicant** : Empire Motor Limited
- Site** : Lots 2757 RP (Part), 2758 RP (Part), 2759 (Part), 2760 in D.D. 102 and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 707m² (including GL of about 21m² (about 3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2
- Zonings** : “Government, Institution or Community” (“G/IC”) (about 99.4%) and area shown as ‘Road’ (about 0.6%)¹
- Application** : Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (sales office for sale of goods vehicles) for a period of three years at the application site (the Site) which falls within an area zoned “G/IC” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently mostly fenced-off, occupied by a few temporary structures and currently used for the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kwu Tung Road via a local access (**Plan A-2**), with an ingress/egress (about 12.5m wide) at the northeastern part of the Site. The applied use involves a two-storey container converted structure (about 4.85m in height) for site office and store room under a porch of rain shelter (about 5.3m in height), with a total floor area of about 234m². The remaining uncovered area (about 521m² or 74% of the Site) at the southern portion of the Site is for car display, including three spaces for light goods vehicles, two spaces for medium goods vehicles and one space for heavy goods vehicles; whereas the area at the north-western portion of the Site is for pedestrian passage connecting to the surrounding areas for the use of the general public (**Drawing A-1**). No

¹ As only about 0.6% of the site area (i.e. about 5m²) falls within the area shown as ‘Road’, it could be regarded as minor boundary adjustment in accordance with the covering Notes of the OZP.

vehicle parking use is involved, and no cleansing, maintenance or other workshop activities will be conducted within the Site. The applied use operates between 8:00 a.m. and 6:00 p.m. on Mondays to Saturdays, 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 eight previous applications (including seven submitted by the same applicant for temporary storage of goods vehicles for sale with sales office or temporary shop and services (sales office for sale of goods vehicles) and one submitted by a different applicant for lorry and container trailer park) approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2021. Compared with the last application (No. A/YL-NTM/413) approved by the Committee on 16.4.2021, the current application involves a smaller site area (from 869m² to 707m² (i.e. -162m²)) and minor change in the layout for the same use with the same floor area. All approval conditions of the last application were complied with and the planning permission lapsed on 17.4.2024 (detailed under paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 13.1.2025 and **(Appendix I)**
Supplementary Information (SI) received on 15.1.2025
 - (b) Further Information (FI) received on 20.2.2025* **(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 Site will only be used for sale of goods vehicles and the parking spaces are only for vehicle display purpose.
- (b) The traffic flow generated from the Site is minimal. It is estimated that there will only be about four vehicles going in/out the Site per week. Also, the customers could access the Site through public transportation. No adverse traffic impact is anticipated.
- (c) The current application is largely similar to the previous application No. A/YL-NTM/413. All approval conditions of the previous application were complied with. Should the current application be approved, the applicant is committed to comply with the approval conditions.
- (d) The Site is suitable for the applied use which has been in operation for over 15 years. The applied use could help the community by providing employment and commercial activities. There has been no adverse impact on others during the business operation.
- (e) In support of the application, the applicant submitted a drainage proposal to demonstrate that there will be no adverse impacts to the surrounding drainage networks. The existing drainage system at the Site will also be properly maintained.
- (f) The applicant understands that the Site will be eventually resumed for the development of San Tin Technopole (the Technopole).

- (g) The applied use is temporary in nature without any underground development and will not affect the construction of the Northern Link Main Line. The applicant will maintain close liaison with relevant government departments during the construction period, if required.

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

The applicant is not a “current land owner” of the private land within 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 San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

On 14.4.2023, the Board promulgated the revised 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). Since the applied use involves display and sale of vehicles in an open area (about 74% of the Site is uncovered), which is akin to open storage, the TPB PG-No. 13G² is relevant to the current application. The Site falls within the Technopole, which is regarded as a new development area. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

- 5.1 The Site is not subject to any active planning enforcement action. The inspection on 13.5.2024 revealed that suspected unauthorized development involving shop and services were identified on the Site. The Site is under monitoring.
- 5.2 The Site falls within an area zoned “G/IC” on the OZP. According to the Explanatory Statement of the OZP, part of the subject “G/IC” zone in Planning Area 10, where the Site is located, is designated as government reserve purpose.

6. Previous Applications

- 6.1 The Site, in whole or in part, is the subject of eight previous applications (No. A/YL-NTM/96, 163, 228, 252, 291, 336, 344 and 413)³ which were approved with conditions by the Committee between 2000 and 2021. Application No. A/YL-NTM/96 which was submitted by a different applicant for lorry and container trailer park is not relevant to the current application due to different uses involved.
- 6.2 The remaining seven previous applications were submitted by the same applicant for temporary storage of goods vehicles for sale with sales office (No. A/YL-NTM/163) or shop and services (sales office for sale of goods vehicles) (No. A/YL-NTM/228, 252, 291, 336, 344 and 413). All these applications were approved with conditions by the

² According to TPB PG-No. 13G, ‘Open Storage’ uses relate to activities carried out on a site for which the greater part of the site (generally assumed to be more than 50%) is uncovered and used for storage, repair or breaking other than container-related uses. It also includes open storage use with on-site commercial activities, e.g. display and sale of vehicles.

³ These previous applications fell within “Open Storage” zone on the then approved Ngau Tam Mei OZP No. S/YL-NTM/12 at the time of consideration by the Committee.

Committee on a temporary basis for a period of one year or three years between 2004 and 2021 mainly on the considerations that the proposed/applied use was in line with the Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Uses; the proposed/applied use was not incompatible with the surrounding areas; and there was no adverse comment from relevant government departments consulted or their concerns could be addressed by imposing approval conditions. The last application (No. A/YL-NTM/413) for the same applied use with the same floor area but slightly different layout on a slightly larger site was approved with conditions by the Committee on 16.4.2021. All approval conditions of the last application were complied with and the planning permission lapsed on 17.4.2024.

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

7. Similar Application

During the past five years, there is no similar application for temporary shop and services within the same “G/IC” zone.

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

- 8.1 The Site is:

- (a) mostly fenced-off, occupied by a few temporary structures and currently used for the applied use without valid planning permission; and
- (b) accessible from Kwu Tung Road via a local access.

- 8.2 The surrounding areas are rural in character predominated by open storage yards, logistic centre, container vehicle park, vehicle repair workshop, warehouses, residential structures and grassland.

9. Planning Intention

The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community (GIC) 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.

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**.

- 10.2 The following government department has specific 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 under the Phase 1 Stage 1 development. According to the latest tentative development programme, it is targeted to commence works for development at the Site around 2026/2027 tentatively. Therefore, the Site would be required for timely clearance to facilitate the development.

11. Public Comment Received During Statutory Publication Period

On 21.1.2025, the application was published for public inspection. During the statutory publication period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary shop and services (sales office for sale of goods vehicles) for a period of three years at the Site zoned “G/IC” (**Plan A-1a**). Though the application is for ‘shop and services’ use, with an uncovered area of about 521m² (about 74% of the Site) for car display, the operation of the applied use is akin to open storage of goods vehicles. Whilst the applied use is not in line with the planning intention of the “G/IC” zone, there is no designated GIC use for the Site within the subject “G/IC” zone. PM(N), CEDD advises that the Site is under Phase 1 Stage 1 development of the Technopole, where development works is tentatively targeted to commence around 2026/2027 and the Site will be required for timely clearance. In this regard, 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, should the application be approved by the Committee. In view of the above and taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominated by open storage yards, logistic centre, container vehicle park, vehicle repair workshop, warehouses, 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 as significant landscape impact arising from the applied use at the Site is not anticipated.
- 12.3 The applied use, which is akin to an open storage use, is considered generally in line with TPB PG-No.13G in that previous approvals for the same or similar uses at the Site have been granted since 2004 and all approval conditions of the last application were complied with. Besides, relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant 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 use on the surrounding areas. In this regard, sympathetic consideration may be given to the application.

- 12.4 As detailed in paragraph 6 above, the Site was the subject of seven previous applications for the same/similar applied use approved by the Committee from 2004 to 2021, and the current application is submitted by the same applicant for the similar/same applied use with only minor changes in site area and layout. 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, 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 28.2.2028. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.5.2025;
- (c) 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 28.8.2025;
- (d) in relation to (c) 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 28.11.2025;
- (e) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 “Government, Institution or Community” zone, which is 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. 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 13.1.2025 and Supplementary Information received on 15.1.2025
Appendix Ia	FI received on 20.2.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
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
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
FEBRUARY 2025**