

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

**APPLICATION NO. A/STT/18**

- Applicant** : Mr. FUNG Sau Yu represented by R-riches Property Consultants Limited
- Site** : Lots 1377 RP and 1378 RP in D.D. 105, Ngau Tam Mei, Yuen Long, New Territories
- Site Area** : About 413m<sup>2</sup>
- 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”)
- Application** : Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities for a period of five years at the application site (the Site), which falls within an area zoned “G/IC” on the OZP (**Plan A-1**). 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 fenced-off and vacant (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from San Tam Road via a local access, with an entrance/exit of about 5m wide at the north-eastern part of the Site (**Plan A-2**). The proposed use involves a two-storey structure (about 7m in height) for shop and services, washroom, storage of goods and office uses, with a total floor area of about 162m<sup>2</sup>. The applicant intends to operate a convenience store at the Site. No parking and loading/unloading (L/UL) space will be provided within the Site. The proposed use will operate between 9:00 a.m. and 8:00 p.m. daily (including public holidays). The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/YL-NTM/438) submitted by the same applicant for the same use at the same site (details at paragraph 5 below) which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.5.2022, and the planning permission was subsequently revoked in February 2025 due to non-compliance with time-limited approval condition.

Compared with the previous application, the layout and development parameters under the current application remain unchanged.

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

- (a) Application Form with attachments received on 26.2.2025 and Supplementary Information (SI) received on 27.2.2025 **(Appendix I)**
  - (b) Further Information (FI) received on 27.3.2025\* **(Appendix Ia)**
  - (c) FI received on 2.4.2025\* **(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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed use on a temporary basis will not jeopardise the long-term planning intention of the “G/IC” zone. The proposed shop and services use, which is for a convenience store selling goods such as food, beverages, tissues and registered pharmaceutical products, could serve the nearby residents.
- (b) The Site is the subject of a previously approved application submitted by the same applicant for the same use. The applicant has demonstrated efforts in complying with the approval conditions related to drainage and fire safety aspects. As the short term waiver for erection of structure at the Site was only approved in 2024, the accepted fire service installations (FSIs) proposal under the previous application could not be implemented in time. The applicant has submitted the previously accepted drainage proposal and photographic records of existing drainage facilities and a revised FSIs proposal in support of the current application.
- (c) L/UL activities will be arranged for delivering goods once a day between 10:00a.m. to 11:00a.m. for approximately 10 minutes and no vehicle will enter the Site. The L/UL activities will be carried out at local road about 200m northeast of the Site on the basis that it will not affect traffic flow. No adverse traffic impact is anticipated.
- (d) The applicant will strictly follow relevant environmental protection and pollution control ordinances to minimise the potential adverse environmental impacts and nuisance to the surrounding area.

## **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.

## **4. Background**

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

## 5. **Previous Application**

The Site is the subject of a previous application (No. A/YL-NTM/438)<sup>1</sup> submitted by the same applicant for the same use which was approved with conditions by the Committee on 20.5.2022, mainly on the considerations that the proposed use would not frustrate the long-term planning intention; the proposed 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 planning permission was subsequently revoked in February 2025 due to non-compliance with a time-limited approval condition related to the implementation of the FSIs proposal. Compared with the previous application, the current application has the same layout and development parameters at the same site. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

## 6. **Similar Applications**

6.1 During the past five years, there were two similar applications (No. A/YL-NTM/419 and 450)<sup>1</sup> on the same site for temporary shop and services (sales of gardening and building materials) within the subject “G/IC” zone on the OZP. Both applications were approved with conditions by the Committee between 2021 and 2022 mainly on the similar considerations as stated in paragraph 5 above. The planning permissions of these two applications were subsequently revoked in 2022 and 2024 respectively due to non-compliance with approval conditions.

6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) fenced-off and currently vacant; and
- (b) accessible from San Tam Road via a footpath.

7.2 The surrounding areas are rural in character predominated by a transitional housing development (i.e. The STEP), residential structures, plant nursery and grassland to the south of San Tam Road and the Site. To the north of the Site across San Tam Road is the Mai Po Substation and San Tin Highway.

## 8. **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

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<sup>1</sup> All of the application sites fell within “Residential (Group C)” zone on the then approved Ngau Tam Mei OZP No. S/YL-NTM/12 at the time of consideration by the Committee.

in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

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

9.1 Apart from the government department as set out in paragraph 9.2 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 III and IV**.

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

### **Project Interface**

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

the Site is within the proposed boundary of the San Tin Technopole (the Technopole) under the Phase 1 Stage 1 development. According to the latest tentative development programme, it is targeted to commence the works for development at the Site around 2026/2027 tentatively. Therefore, the Site would be required for timely clearance to facilitate the development.

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

On 7.3.2025, the application was published for public inspection. During the statutory publication period, one public comment was received from an individual expressing concern that the approval condition regarding implementation of FSIs was not complied with under the previous application (**Appendix V**).

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services with ancillary facilities for a period of five years at the Site zoned “G/IC” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “G/IC” zone, on the long-term development perspective, 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, the proposed use is of temporary basis only and it is recommended to incorporate an advisory clause to remind the applicant that the Site may be resumed by the Government and the proposed 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 proposed use on a temporary basis of five years.

11.2 The proposed use is considered not incompatible with the surrounding land uses which are predominated by a transitional housing development, residential structures, plant nursery and grassland (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that significant landscape impact arising from the proposed use at the Site is not anticipated.

- 11.3 Other relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comments on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 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 proposed use on the surrounding areas.
- 11.4 As detailed in paragraph 5 above, the Site was the subject of a previous application submitted by the same applicant for the same proposed use approved by the Committee in 2022. The planning permission was subsequently revoked in February 2025 due to non-compliance with a time-limited approval condition related to the implementation of FSIs proposal. In support of the current application, the applicant has submitted the previously accepted drainage proposal with photographic records of existing drainage facilities, as well as a FSIs proposal in support of the current application and the proposals are considered acceptable by CE/MN of DSD and D of FS respectively. As such, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Given an approved previous application for the same use at the Site and the two approved similar applications in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above, approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as stated in paragraph 10 above, the planning considerations and departmental comments above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 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 five years until 11.4.2030. 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 11.7.2025;

- (c) the implementation of the accepted 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 11.1.2026;
- (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 IV**.

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

the proposed 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**

<b>Appendix I</b>	Application Form received on 26.2.2025 and SI received on 27.2.2025
<b>Appendix Ia</b>	FI received on 27.3.2025
<b>Appendix Ib</b>	FI received on 2.4.2025
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment

<b>Drawing A-1</b>	Layout Plan
<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**  
**APRIL 2025**