

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

**APPLICATION NO. A/STT/4**

- Applicant** : Fu Hop Yick Management Limited represented by Lanbase Surveyors Limited
- Site** : Lots 180 RP and 182 S.C RP in D.D. 102 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 730m<sup>2</sup> (including GL of about 396m<sup>2</sup> (about 54%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three years at the application site (the Site) which falls within an area zoned “V” on the draft San Tin Technopole OZP No. S/STT/1 (**Plan A-1a**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use under “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by vacant temporary structures without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The proposed use comprises two three-storey structures (not more than 9m in height) for shop and services use with a total gross floor area of about 1,002m<sup>2</sup>. One loading/unloading (L/UL) bay for light goods vehicles (LGV) is also provided (**Drawing A-1**). The Site is accessible from its southwest via an ingress/egress with a minimum width of 6m off a local access leading to Castle Peak Road - San Tin (**Plan A-2**). The operation hours of the Site are from 8:00 a.m. to 11:00 p.m. daily including public holidays. According to the applicant, the proposed use is to provide shop and services such as retail, fast food and commercial services to serve the local community.
- 1.3 The Site, in whole or in part, is the subject of two previous applications (No. A/YL-ST/556 and 605) for the same use. The last application (No. A/YL-ST/605) involving a smaller site area (decrease by 80m<sup>2</sup> as compared to the current application) for the same proposed use with a similar layout submitted by the same applicant of the current

application was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022. The planning permission was subsequently revoked in 2023 (detailed under paragraph 6 below).

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

- |     |  |                      |
|-----|--|----------------------|
| (a) | Application Form received on 19.4.2024 | <b>(Appendix I)</b>  |
| (b) | Supplementary Planning Statement       | <b>(Appendix Ia)</b> |

## **2. Justifications from the Applicant**

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

- (a) The Site is the subject of a previously approved planning application No. A/YL-ST/605 for the same proposed use with a similar layout, except a slight increase in site area to include a piece of GL. Without major change in planning circumstances, the Site should be allowed for the proposed use. There are also approved planning applications for similar uses nearby in San Tin.
- (b) The proposed use would provide local residents a convenient supply depot for their daily necessities and no activities associated with general merchandise operators would be allowed. The proposed use is compatible with the surrounding land uses and is in line with the planning intention of the “V” zone.
- (c) Most of the time-limited approval conditions under the previous planning application No. A/YL-ST/605 had been satisfactorily complied with. While the approval condition related to the implementation of fire service installations (FSIs) proposal could not be complied with within the specified time limit due to a lack of water supply from the Water Supplies Department (WSD), the supply of fresh water for FSIs was eventually provided by WSD after the revocation of planning permission. The applicant will continue to maintain the existing facilities and complete the FSIs works on the Site.
- (d) The use will not cause significant adverse traffic, environmental and ecological impacts on the surrounding areas. A L/UL bay for LGV will be provided. There will be 1 to 2 times of goods delivery by LGV per day. Adequate vehicle manoeuvring space will be reserved within the Site in order to avoid reverse driving from the Site. Most customers will walk to the Site. There are only limited vehicular trips to the Site.

## **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 publishing notices on local newspapers and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL, the requirements as set out in the TPB PG-No. 31B are not applicable.

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

The Site is located in the Wetland Buffer Area (WBA) (**Plan A-1a**) in Deep Bay Area. 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. Relevant extracts of the Guidelines are 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 two previous applications (No. A/YL-ST/556 and 605) for the same proposed use with a similar layout submitted by the same applicant of the current application. Both applications were approved by the Committee in 2019 and 2022 respectively for a period of three years mainly on the considerations that the approval on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; and the concerned government departments had no adverse comment. The planning permission of the last application No. A/YL-ST/605 was subsequently revoked in 2023 due to non-compliance with the approval condition on the implementation of the FSIs proposal, while all other time-limited approval conditions had been complied with.

6.2 Details of these 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 four similar applications (No. A/YL-ST/574, 585, 634 and 659) covering three sites for the similar proposed uses within the subject “V” zone<sup>1</sup> on the draft San Tin Technopole OZP. All the applications were approved with conditions by the Committee mainly on the similar considerations as stated in paragraph 6.1 above.

7.2 Details of the similar application are summarised at **Appendix III**. 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) accessible via a local access off Castle Peak Road – San Tin;
- (b) currently paved and occupied with existing vacant temporary structures without valid planning permission; and

---

<sup>1</sup> These similar applications fell within the same “V” zone on the then approved San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

(c) located within the WBA in Deep Bay Area.

- 8.2 The surrounding areas are predominantly village houses/residential dwellings, eating place (with valid planning permission under application No. A/YL-ST/621), scattered temporary structures for storage uses, open storages, vehicle parks, shops and services. Some of the storage and open storage uses are suspected unauthorised developments subject to planning enforcement action.

## **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 Small Houses 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**

All 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.

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

On 26.4.2024, the application was published for public comment. During the statutory publication period, one public comment was received from an individual raising concerns that the approval condition of previous approval had not been complied with, which could lead to fire safety problem (**Appendix VI**).

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

- 12.1 The application is for proposed temporary shop and services for a period of three years at the Site which falls within an area zoned “V” on the OZP. 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 Houses 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. Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could meet the local demand for daily necessities from the surrounding neighbourhood. The District Lands Officer/Yuen Long, Lands Department has no adverse comment on the application and advises that there is no Small House application being processed/approved at the Site. The proposed use is temporary in nature which would

not adversely affect the land availability for NTEH within the “V” zone in the long term. As such, approval of the application on a temporary basis for a period of three years would not frustrate the long term planning intention of the “V” zone.

- 12.2 The proposed use is located in close proximity of surrounding villages and is considered not incompatible with the surrounding rural context comprising predominantly village houses/residential dwellings, vehicle parks, shops and services and eating place. The Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application as no significant landscape impact arising from the use at the Site is 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. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 Other concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comments on the application. The proposed use will unlikely create adverse traffic, environmental, drainage and fire safety impacts on 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 latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to mitigate any potential environmental impacts on the surrounding areas.
- 12.5 As detailed in paragraphs 6 and 7 above, the Site (in whole or in part) is the subject of two previous approvals for the same use and there were four approved similar applications within the same “V” zone in the past five years. The last application (No. A/YL-ST/605) for the same proposed use with a similar layout at the Site submitted by the same applicant of the current application was approved with conditions for a period of three years by the Committee in 2022. However, the planning permission was subsequently revoked in 2023 due to non-compliance with approval condition related to the implementation of FSIs proposal, while all the other time-limited approval conditions had been complied with. In this regard, there has been no material change in the planning circumstances. To support the current application, the applicant has submitted drainage and FSIs proposals, to which CE/MN, DSD and D of FS have no in-principle objection. Relevant approval conditions are recommended in paragraph 13.2 below. The approval of the current application is in line with the previous decisions of the Committee. 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.
- 12.6 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 above, the Planning Department 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 7.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (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 7.12.2024;
- (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 7.3.2025;
- (e) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.12.2024;
- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.3.2025;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b) or (g) 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
- (i) if any of the above planning condition (c), (d), (e) or (f) 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 use is not in line with the planning intention of the "Village Type Development" zone, which is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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**

<b>Appendix I</b>	Application Form received on 19.4.2024
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C
<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>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application 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 2024**