

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/STT/5

- Applicant** : Smart Vehicle Body Manufacturer Ltd.
- Site** : Lots 170 RP and 174 S.C RP in D.D.105 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 1,360m² (including GL of about 800m² (about 58.8%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of three years at the application site (the Site) which is zoned “O” on the draft San Tin Technopole OZP No. S/STT/1 (**Plan A-1a**). According to the covering Notes of the OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The applied use involves temporary shop and services for sale of vehicle parts and accessories. The applied use comprises five structures, including three two-storeys structures and two single-storey structures, of which two of the structures are with open sheds (2.6m to 6.5m in height) with a total gross floor area of 317.59m² for site offices, storage use and rain shelters. Part of the uncovered area (about 50m²) is for storage use. The remaining uncovered area is for provision of one loading/unloading (L/UL) bay for light goods vehicles and medium goods vehicles, and vehicle maneuvering space (**Drawing A-1**). The Site is accessible at the south via a local track off Shek Wu Wai Road (**Plan A-2**). The operation hours of the Site are from 8:00 a.m. to 11:00 p.m. daily.
- 1.3 The Site, in part or in whole, is the subject of 15 previous applications. The last application No. A/YL-ST/589 submitted by a different applicant for the same use was

approved with conditions by the Rural and New Town Planning Committee (the Committee) on 28.5.2021 for a period of three years. All approval conditions of the last application were complied with, and the planning permission was lapsed on 28.5.2024. The development parameters and layout of the current application are the same as the last application (detailed in paragraph 5 below).

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

- (a) Application Form received on 21.5.2024 and Supplementary Information (SI) received on 29.5.2024 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 10.7.2024[#] **(Appendix Ib)**
[#] exempted from the publication requirement

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 to Ib**. They can be summarised as follows:

- (a) The Site is the subject of several previously approved applications for similar shop and services use. There were similar uses in the surrounding areas approved by the Board.
- (b) The Site is being operated as a temporary retail shop for vehicle parts and accessories with ancillary facilities under the previously approved application No. A/YL-ST/589, of which all the approval conditions were complied with. When compared with the previously approved application, there is no change to the layout. Existing facilities such as landscape planting, fire service installations and drainage facilities would remain unchanged and will be maintained. The applied use would not generate additional drainage and environmental impacts.
- (c) There will be no heavy goods vehicles including container vehicles, trailers and tractors parked/stored on the Site. The applied use has been operated at the Site for years and has not involved frequent vehicle circulation. The traffic condition will remain unchanged without generating additional traffic.
- (d) The Site is close to the border area with large number of cross-border vehicles. Local residents of the nearby villages mainly use private cars for transport. There is a high local demand for sales service of vehicle parts. Therefore, the development on the Site is to meet the local demand for sales service of vehicle parts.
- (e) The applied use is compatible with the surrounding sites abutting Castle Peak Road and Shek Wu Wai Road for open storage and other port back-up uses. No interface problem with the villagers is 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 posting notice at the Site 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 TPB PG-No. 31B are not applicable.

4. **Background**

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

5. **Previous Applications**

Temporary Uses

- 5.1 The Site (in whole or in part) is the subject of 14 previous applications for temporary uses (No. A/YL-ST/10, 79, 107, 195, 221, 283, 303, 366, 369, 388, 401, 460, 524 and 589)¹ of which one was rejected by the Committee of the Board and the remaining 13 were approved with conditions by the Committee.
- 5.2 All the 13 applications for similar temporary retail shop for vehicle parts and accessories or temporary retail shop (No. A/YL-ST/10, 79, 107, 195, 221, 283, 303, 366, 369, 401, 460, 524 and 589) were approved by the Committee between 1996 and 2021 each for a period of 12 months or three years mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; and the development was not incompatible with the surrounding areas. The planning permissions for three of the approved applications (No. A/YL-ST/303, 306 and 369) were subsequently revoked due to non-compliance with approval conditions. The last application No. A/YL-ST/589, which was submitted by a different applicant, was approved with conditions by the Committee on 28.5.2021 for a period of three years. All approval conditions were complied with and the planning permission was lapsed on 28.5.2024.
- 5.3 The remaining application No. A/YL-ST/388 for temporary retail area of second-hand goods vehicles of above 5.5 tonnes, container tractors and trailers was rejected in 2010 for the reasons that the proposed development involving heavy goods vehicles was not compatible with the neighbouring residential uses; the development was not in line with TPB PG-No. 13E as there were adverse departmental comments; and the development would cause adverse environmental nuisances to the nearby residents.

Permanent Residential Use

- 5.4 Application No. A/YL-ST/124 involving part of the Site and submitted by a different applicant for proposed residential development at a much larger site was approved in 2000 mainly on considerations that the proposed use was in line with the planning intention of the then "R(D)" zone. As the approved residential development had not been implemented, the planning permission lapsed on 5.5.2003.
- 5.5 Details of these previous applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1b**.

¹ These previous applications fell within "Residential (Group D)" ("R(D)") zone on the then approved San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

6. Similar Applications

- 6.1 During the past five years, there is a similar application (No. A/YL-ST/548) for temporary shop and services within the “O” zone² on the draft San Tin Technopole OZP. The application was approved by the Committee in 2019 mainly on the similar considerations as stated in paragraph 5.2 above.
- 6.2 Details of the similar application are summarised at **Appendix II**. The location is shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) accessible at the south via a local track off Shek Wu Wai Road;
 - (b) currently paved and occupied with temporary structures which are being used for the applied use (i.e. temporary shop and services) without valid planning permission.
 - (c) located near the Mai Po Lung Village Egrettry.
- 7.2 The surrounding areas are predominantly open storage/sales of construction machinery (with valid planning permission under application No. A/YL-ST/623), parking of goods vehicles/container vehicles (with valid planning permission under application No. A/YL-ST/663), open storage of bamboo, vehicle repair workshops, a public toilet and refuse collection point, residential dwellings as well as grassland.

8. Planning Intention

The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 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 III and IV** respectively.
- 9.2 The following government departments have comments on the application:

² These similar applications fell within “R(D)” zone on the then approved San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

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 Technopole and under the Phase 1 Stage 1 development. According to the latest tentative development programme, it is targeted to commence the works in phases tentatively commencing from end 2024 onwards after the funding approval by the Finance Committee of the Legislative Council. Therefore, the Site would be required for timely clearance and construction.

Environment

9.2.2 Comments from the Director of Environmental Protection (DEP):

- (a) he does not support the application in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) as there are sensitive receivers in the vicinity (i.e. a residential dwelling is about 33m east of the Site) (**Plan A-2**) and the application involves one L/UL bay for medium goods vehicle, which is considered as “heavy vehicle” under the context of COP;
- (b) there was no environmental complaint related to the Site in the past three years; and
- (c) advisory comments as detailed in **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 31.5.2024, the application was published for public comments. During the statutory publication period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities at the Site for a period of three years. The Site is zoned “O” on the OZP, which is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the applied use is not in line with the planning intention of the “O” zone and the Site will be required for timely clearance and construction for relevant works under Phase 1 Stage 1 development of the Technopole tentatively starting from end 2024, the applied use could be tolerated for a period of three years, taking into account the assessment below. 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 the applied use may be terminated at any time during the planning approval period for implementation of imminent government projects. Besides, the Director of Leisure and Cultural Services has no objection to the temporary use at the Site as he has no plan to develop the Site into public open space in the upcoming three years.

- 11.2 The applied use is considered not incompatible with the existing land uses in the surroundings which are predominantly open storage/sale of construction machinery, open storage yards of construction machinery and bamboo, parking of goods vehicles/container vehicles vehicle repair workshops and residential dwellings (**Plan A-2**). Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application and considers that further significant landscape impact is not anticipated from landscape planning perspective. While the Site is located near the Mai Po Lung Village Egrettry, the Director of Agriculture, Fisheries and Conservation has no strong view on the application and advised the applicant to preserve the existing trees along the site boundary and in close vicinity of the Site, avoid disturbing the breeding birds and their nests and eggs, and also avoid directing lighting to the concerned trees.
- 11.3 DEP does not support the application as the applied use involves use of heavy vehicles and environmental nuisance is expected as there are sensitive receivers in the vicinity of the Site (i.e. the nearest residential dwelling is about 33m to the east of the Site). In this regard, the applicant proposes the operation hours to be between 8:00 a.m. to 11:00 p.m. daily. The operation is also subject to relevant pollution control ordinances. To address DEP's concerns, the applicant will be advised to follow the COP to mitigate any potential environmental impacts on the surrounding areas.
- 11.4 Other concerned government departments, including Commissioner for Transport, 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, drainage, fire safety and environmental impacts on the surrounding areas. To address the technical requirements of the concerned government departments, appropriate approval conditions are suggested to be imposed as recommended in paragraph 12.2 below.
- 11.5 As detailed in paragraphs 5 and 6 above, the Site was involved in 13 previous temporary approvals submitted by different applicants for the similar applied use and there was a similar approved application for similar use in the past five years. The approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the applied use could be tolerated for a period of three years.
- 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 3 years until 19.7.2027. 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 19.10.2024;

- (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 19.1.2025;
- (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 19.4.2025;
- (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 IV**.

- 12.3 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 "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form received on 21.5.2024 and SI received on 29.5.2024
Appendix Ia	Planning Statement
Appendix Ib	FI received on 10.7.2024
Appendix II	Previous and Similar Applications

Appendix III	Government Departments' General Comments
Appendix IV	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
JULY 2024**