

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

APPLICATION NO. A/STT/6

- Applicant** : Fenman Development Limited represented by Lanbase Surveyors Limited
- Site** : Lots 158, 162 RP (Part) and 198 S.B in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 2,223m² (including GL of about 868m² (about 39%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1
- Zoning** : “Other Specified Uses” annotated “Logistics, Storage and Workshop (2)” (“OU(LSW)2”) (about 37%) and area shown as ‘Road’ (about 63%)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicle and Heavy Goods Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for a temporary public vehicle park (including container vehicle and heavy goods vehicle) for a period of three years at the application site (the Site) which falls within an area partly zoned “OU(LSW)2” and partly shown as ‘Road’ on the draft San Tin Technopole OZP No. S/STT/1 (**Plan A-1a**). According to the Notes of the OZP for “OU(LSW)” zone, ‘Public Vehicle Park’ is always permitted. However, the applied use requires planning permission from the Town Planning Board (the Board) on the area shown as ‘Road’. The Site is currently used for the applied use with a valid planning permission under application No. A/YL-ST/590 until 20.7.2024 (**Plan A-2, A-4a and A-4b**).
- 1.2 The applied use comprises three existing structures including a container site office (two storeys/5.2m in height) and two container storages (one storey/2.6m in height of which one of them is under a 6m-high open shed) with a total gross floor area of about 243.76m². Six parking spaces for container vehicle and heavy goods vehicle are provided (**Drawing A-1**). The Site is accessible from its north via an ingress/egress with more than 8m in width off Castle Peak Road – San Tin (**Plan A-2**). The operation hours

are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays, while there are no operation on Sundays and public holidays.

1.3 The Site, in whole or in part, is the subject of 13 previous applications. The last application (No. A/YL-ST/590) submitted by the same applicant of the current application for the same applied use with same development parameters and layout was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 28.5.2021 and is valid until 20.7.2024. All the time-limited approval conditions of the previous application had been complied with. Details of the previous applications are in paragraph 6 and at **Appendix III**.

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

- | | | |
|-----|--|----------------------|
| (a) | Application Form received on 22.5.2024 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix Ia) |

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 the previously approved planning application No. A/YL-ST/590 for the same applied use with the same layout. Without major change of planning circumstances, the Site should be allowed for the applied use.
- (b) All the time-limited approval conditions under the previous application No. A/YL-ST/590 had been satisfactorily complied with. The applicant will continue to maintain the existing landscape planning and drainage facilities on the Site.
- (c) According to Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G), the Site is with previous approvals and not subject to high flooding risk and thus is suitable for the applied use. The Site is located in close proximity to the border area and strategic road networks, and has been an area well established for port back-up and open storage activities since the late 1980s. There is demand for container vehicle parks in Lok Ma Chau.
- (d) The applied use is compatible with the surrounding areas which is characterised by open storage and car park uses. Also, there is no interface problem with adjacent village houses given that the nearest village house is located far away. The applied use has been operated at the Site for more than 10 years. The traffic condition will remain unchanged without generating additional traffic. The applied use will not cause significant adverse traffic, drainage and environmental impacts on the surrounding areas.

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 falls within the San Tin Technopole (the Technopole) which is regarded as a new development area (NDA) under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). The Town Planning Board Guidelines (TPB PG-No. 34D) on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development' is also relevant to this application. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

5.1 The Site fell within an area zoned "Residential (Group D)" ("R(D)") on the then approved San Tin OZP No. S/YL-ST/8. In order to take forward the proposed development for the Technopole, the draft San Tin Technopole OZP No. S/STT/1, which covers among others including the Site, was exhibited under section 5 of the Town Planning Ordinance on 8.3.2024. The Site now falls within an area partly zoned "OU(LSW)2" and partly shown as 'Road' on the draft San Tin Technopole OZP No. S/STT/1.

5.2 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 13 previous applications (No. A/DPA/YL-ST/15, A/YL-ST/21, 71, 96, 165, 198, 230, 311, 371, 416, 468, 526 and 590¹) of which two were rejected by the Committee of the Board in 1996 and 2001 respectively and the remaining 11 were approved with conditions by the Committee between 1993 and 2021.

6.2 Amongst the 11 previously approved applications mainly for temporary container trailer/tractor park or public vehicle parks (including container vehicle and heavy goods vehicle), the first three applications (No. A/DPA/YL-ST/15, A/YL-ST/71 and 96) were submitted by different applicants, whereas the subsequent eight applications (No. A/YL-ST/198, 230, 311, 371, 416, 468, 526 and 590) were submitted by the same applicant of the current application for similar uses. Except for application No. A/YL-ST/96 approved in 1999 for a period of 12 months, all these applications were approved by the Committee between 1993 and 2021 each for a period of three years mainly on the considerations that the developments were not incompatible with the surrounding uses; previous planning approvals for similar uses on the site had been given; and departmental concerns could be addressed through approval conditions. The permission for application No. A/YL-ST/198 approved in 2002 was subsequently revoked in 2003 due to non-compliance with approval conditions. All the approval conditions of the last approved application No. A/YL-ST/590 had been complied with.

6.3 The two rejected applications (No. A/YL-ST/21 and 165) were submitted by different applicants for similar uses and were rejected in 1996 and 2001 respectively mainly on the grounds of insufficient information to demonstrate that the development would not cause

¹ These previous applications fell within "R(D)" zone on the then approved San Tin OZP No. S/YL-ST/8.

interface problem with the residential settlements nearby and had adverse environmental, drainage and sewage impacts on the surrounding areas including the nearby residential use and the Deep Bay; and approval would set an undesirable precedent for similar applications.

- 6.4 Details of these previous applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1b**.

7. Similar Application

- 7.1 During the past five years, there are four similar applications² for temporary vehicle park for container vehicles and goods vehicles within or straddling across the “OU(LSW)2”, “Open Space” or “Government, Institution or Community (1)” zones or the area shown as ‘Road’ in the vicinity of the Site approved with conditions from 2011 to 2024 each for a period of three years mainly on similar considerations as stated in paragraph 6.2 above. The planning permission under application No. A/YL-ST/614 approved in 2022 was subsequently revoked in 2023 due to non-compliance with approval conditions.
- 7.2 Details of these similar applications 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-4b)

- 8.1 The Site is:
- (a) accessible from the north via an ingress/egress off Castle Peak Road – San Tin; and
 - (b) currently used for the applied use (i.e. temporary public vehicle park (including container vehicle and heavy goods vehicle) with valid planning permission (No. A/YL-ST/590) until 20.7.2024
- 8.2 The surrounding areas are predominantly open storages (with valid planning permissions under application No. A/YL-ST/613 and 620), vehicle repair workshop, vehicle park (with valid planning permissions under application No. A/YL-ST/639 and 663), cargo handling and forwarding facilities (with valid planning permission under application No. A/YL-ST/665) and vacant land.

9. Planning Intention

- 9.1 The planning intention of the “OU(LSW)” zone is intended primarily for logistics, storage and workshop uses and development of multi-storey buildings for modern industries, which may also accommodate brownfield operations affected by Government projects.
- 9.2 The area shown as ‘Road’ forms part of the area reserved for future Road D3 of the Technopole.

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.

10. Comments from Relevant Government Departments

10.1 Apart from the government department's comment 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 are provided in **Appendices IV** and **V**.

10.2 The following government departments have 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 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 within the boundary of the Technopole would be required for timely clearance and construction.

Traffic

10.2.2 Comments from the Commissioner for Transport (C for T):

- (a) she supports the planning application from traffic engineering perspective to meet the public demand of vehicle parking spaces; and
- (b) detailed advisory comments are at **Appendix V**.

Environment

10.2.3 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 Site" (the COP) as there are sensitive receivers in the vicinity (i.e. a residential dwelling is about 26m north of the Site) (**Plan A-2**) and the application involves the use of container vehicles and heavy goods vehicles, and environmental nuisance is expected;
- (b) there was no environmental complaint related to the Site in the past three years; and
- (c) detailed advisory comments are at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 31.5.2024, the application was published for public comment. During the statutory publication 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 (including container vehicle and heavy goods vehicle) for a period of three years at the Site which falls within an area partly zoned “OU(LSW)2” and an area partly shown as ‘Road’ on the draft San Tin Technopole OZP (**Plan A-1a**). While the applied use is always permitted under the “OU(LSW)” zone, it requires planning permission from the Board for the portion falling within the area shown as ‘Road’ on the OZP. The area shown as ‘Road’ is reserved for future Road D3 of the Technopole. While the applied use is not in line with the planning intention of the area shown as ‘Road’ and PM(N), CEDD advises that 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 onwards, the applied use could be tolerated for a further 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.
- 12.2 The Site is currently used for the applied use, which is considered not incompatible with the existing land uses in the surroundings, comprising predominantly vehicle parks, open storage yards and port back-up facilities. The Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment from landscape planning perspective on the application as no significant landscape impact arising from the applied use at the Site is anticipated.
- 12.3 While the Site has been rezoned from “R(D)” zone on the then approved San Tin OZP to an area partly zoned “OU(LSW)2” and an area partly shown as ‘Road’ on the draft San Tin Technopole OZP, the change in planning circumstances of the Site is not material, and the site condition and the surrounding land uses are the same since the granting of the previous approval. The renewal application is considered generally in line with TPB PG-No. 34D in that 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/590) had been complied with; and the three years approval period sought which is same as the previous planning application is reasonable.
- 12.4 The applied use is in line with TPB PG-No. 13G in that the Site falls within the Technopole and 13 previous approvals involving public vehicle park for container vehicles had been granted from 1993 to 2021. For the last approved application, all approval conditions had been complied with. The current application is submitted by the same applicant for the same applied use at the same Site with the same layout. In this regard, sympathetic consideration may be given to this application.
- 12.5 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 26m north of the Site). In this regard, the applicant proposes the operation hours to be between 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. 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.

- 12.6 The application is supported by C for T from traffic engineering perspective. Other concerned departments including 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 and fire safety 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 13.2 below.
- 12.7 As detailed in paragraphs 6 to 7 above, the Site is the subject of 13 previously approved applications, including 11 for same/similar uses, as well as four approvals for similar applications in the past five years. All the time-limited approval conditions of the last application (No. A/YL-ST/590) had been complied with. Approval of the current application is in line with the previous decisions of the Committee.

13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the applied use could be tolerated for a period of three years.
- 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 21.7.2024 to 20.7.2027. 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 photographic records of the existing drainage facilities 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 21.10.2024;
- (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 area reserved for 'Road' which is primarily for road development. There is no strong planning justification 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 22.5.2024
Appendix Ia	Supplementary Planning Statement
Appendix II	Relevant Extracts of TPB PG-No. 13G and 34D
Appendix III	Similar and Previous 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 Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a – 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2024**