

RNTPC Paper No. A/STT/8  
For Consideration by the Rural and  
New Town Planning Committee  
on 16.8.2024

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

**APPLICATION NO. A/STT/8**

<b><u>Applicant</u></b>	: Mr WONG Fuk On represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lots 1545 (Part) and 1546 (Part) in D.D. 105, Ngau Tam Mei, Yuen Long
<b><u>Site Area</u></b>	: About 774m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised agricultural use)
<b><u>Plan</u></b>	: Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1
<b><u>Zonings</u></b>	: “Government, Institution or Community” (“G/IC”) (about 72%); and “Residential (Group A)1” (“R(A)1”) (about 28%)
<b><u>Application</u></b>	: Proposed Temporary Shop and Services (Retail Shop of Building Materials) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop of building materials) for a period of three years at the application site (the Site) which falls within an area partly zoned “G/IC” and partly zoned “R(A)1” on the draft San Tin Technopole OZP No. S/STT/1 (**Plan A-1**). According to the Notes of the OZP for “G/IC” and “R(A)1” zones, ‘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 occupied for storage use without any valid planning permission.
- 1.2 According to the submitted layout plan (**Drawing A-1**), three single-storey structures for retail shop, site office and toilet uses (including two structures not exceeding 3m and one structure not exceeding 4.5m in height) with a total floor area of not more than 268m<sup>2</sup> are proposed at the Site. Besides, two parking spaces (5m x 2.5m) for private cars and a loading/unloading space (7m x 3.5m) for light goods vehicles will be provided. No parking/storage of heavy goods vehicles or container trailers/tractors will be allowed on the Site, and no open storage and workshop activities will be carried out at the Site. The operation hours of the proposed retail shop are from 9:00 a.m. to 7:00 p.m. daily (including public holidays). The ingress/egress (8m wide) of the Site is located at its southern side,

which is accessible to Hung Fa Hom Road through a local access road (**Plan A-1**).

- 1.3 The Site is involved in one previous application (No. A/YL-NTM/441) for the same use as the current application (details in paragraph 5 below), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 12.8.2022. Compared with the last application, the current application submitted by a different applicant is the same in terms of the layout and development parameters except a slight decrease in site area (from 800m<sup>2</sup> to 774m<sup>2</sup> (i.e. -26m<sup>2</sup> or -3%)). The planning permission was subsequently revoked due to non-compliance with approval conditions on 12.2.2024.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on (**Appendix I**) 25.6.2024 and Supplementary Information (SI) received on 3.7.2024
  - (b) Further Information (FI) received on 2.8.2024<sup>#</sup> (**Appendix Ia**)  
<sup>#</sup> *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 are summarised as follows:

- (a) The proposed use for three years is temporary in nature which would not jeopardise the long term planning intentions of the “G/IC” and “R(A)1” zonings. It would benefit the nearby residents, especially those living in the adjoining low-density housing, by meeting their demand for building materials (including sanitary ware and hand tools for home-fitting purpose). It is also compatible with the surrounding environment including residential developments.
- (b) Environmental and traffic impacts are anticipated to be minimal. Drainage impact is also insignificant with the provision of surface U-channel at the Site.
- (c) Similar planning application in Yuen Long (No. A/YL-PS/639) for shop and services in “G/IC” zone was granted with permission. The applicant will comply with the approval conditions should the application be approved by the Board.

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

The applicant is not a “current land owner” of 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 the notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Background**

The Site is subject to planning enforcement action (No. E/YL-STT/0453) against unauthorized development (UD) involving storage use (including deposit of containers) and workshop use (**Plan A-2**). Enforcement Notice was issued on 29.4.2024 requiring discontinuation of the UD. If the notice is not complied with, prosecution action would be considered. The Site is currently under monitoring according to the established procedures.

#### 5. **Previous Application**

The Site is the subject of a previous application (No. A/YL-NTM/441) for the same use, layout and development parameters (except a slight decrease in site area (from 800m<sup>2</sup> to 774m<sup>2</sup> (i.e. -26m<sup>2</sup> or -3%)) submitted by a different applicant for a period of three years, which was approved with conditions by the Committee on 12.8.2022 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the then “Residential (Group C)” (“R(C)”) zone<sup>1</sup>; the proposed use was generally not incompatible with the surrounding uses; and there was no adverse comment from concerned government departments. However, the planning permission was subsequently revoked on 12.2.2024 due to non-compliance with time-limited approval conditions regarding the submission and implementation of fire service installations (FSIs) proposal and drainage proposal. Details of the previous application are at **Appendix II** and the site boundary is shown on **Plan A-1**.

#### 6. **Similar Applications**

During the past five years, there are nine similar applications<sup>2</sup> for temporary shop and services use within or straddling across the “G/IC” or “R(A)1” or “Other Specified Uses” annotated “Effluent Polishing Plant and Food Waste Pre-treatment Facilities” zones or the area shown as ‘Road’ in the vicinity of the Site approved with conditions from 2021 to 2024 each for a period of three/five years mainly on similar considerations as stated in paragraph 5 above. The planning permissions under five of the applications (No. A/YL-NTM/419, 422, 423, 425 and 442) were subsequently revoked between 2022 and 2024 due to non-compliance with time-limited approval conditions. Details of the above similar applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1**.

#### 7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, aerial photo on **Plan A-3** and site photos on **Plan A-4**)

7.1 The Site is:

- (a) currently occupied by storage use without valid planning permission; and

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<sup>1</sup> The previous application fell within “R(C)” zone on the then approved Ngau Tam Mei OZP No. S/YL-NTM/12.

<sup>2</sup> These similar applications fell within “R(C)” zone on the then approved Ngau Tam Mei OZP No. S/YL-NTM/12 at the time of consideration by the Committee.

(b) accessible via a local access off Hung Fa Hom Road from its southwest.

- 7.2 The surrounding areas are rural in character comprising mainly low-rise, low-density residential dwellings/structures, open storage yards, vegetated land and vacant land. The open storage yards are suspected UD's subject to planning enforcement action.

## **8. Planning Intentions**

- 8.1 The planning intention of the "G/IC" zone is primarily for the provision of government, institution and 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, organisations providing social services to meet community needs, and other institutional establishments.
- 8.2 The planning intention of the "R(A)" zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

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

- 9.1 Apart from the government department's comments 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 are provided in **Appendices III and IV** respectively.
- 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) 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.

## **10. Public Comments Received During Statutory Publication Period (Appendix V)**

On 5.7.2024, the application was published for public comments. During the statutory

publication period, two public comments were received from individuals objecting to the application mainly on the grounds that there was previous non-compliance with the approval conditions; the genuine intention of the proposed use is doubtful; the proposed use is incompatible with the development of the Technopole; and the failure to obtain permission/consent from the landowner.

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

- 11.1 The application is for proposed temporary shop and services (retail shop of building materials) for a period of three years at the Site partly zoned “G/IC” and partly zoned “R(A)1” on the draft San Tin Technopole OZP (**Plan A-1**). Although the proposed use is not entirely in line with the planning intentions of the “G/IC” and “R(A)” zones, it could serve the local residents nearby. Moreover, while 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 proposed temporary use could be tolerated for a period of three years, taking into account the assessment below. Should the application be approved by the Board, an advisory clause will be recommended 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.
- 11.2 The proposed temporary use is considered not incompatible with the surrounding land uses comprising mainly residential dwellings, open storage yards, vegetated land and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application as significant landscape impact arising from the proposed use is not anticipated.
- 11.3 There are no adverse comments from concerned government departments including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS), and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) from traffic, environment, fire safety and drainage perspectives respectively. The technical requirements of D of FS and CE/MN, DSD could be addressed by approval conditions as recommended in paragraph 12.2 below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and UD on-site would be subject to planning enforcement action. Besides, the applicant will be advised 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 on the surrounding areas.
- 11.4 The Site is the subject of a previous application (No. A/YL-NTM/441) submitted by a different applicant for the same use approved mainly on considerations as set out in paragraph 5 above. Whilst planning permission of this previous application was subsequently revoked due to non-compliance with approval conditions relating to the submission and implementation of drainage and FSIs proposals, the applicant under the current application has submitted proposals for drainage facilities and FSIs, and CE/MN, DSD and D of FS have no adverse

comment on the application. Besides, a total of nine similar applications were approved in the vicinity of the Site in the past five years as detailed in paragraph 6 above. Approval of the current application is in line with the previous decisions of the Committee.

- 11.5 Regarding the public comments received on the application as detailed in paragraph 10, the planning considerations and departmental comments above are relevant. For the concern regarding failure to obtain permission/consent from the landowner, the applicant has complied with the requirements as set out in the TPB PG-No. 31B by posting site notice and sending the notice to the San Tin Rural Committee. Should the application be approved, the applicant will also be advised to resolve any land issues with the concerned owners(s) of the Site.

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

- 12.1 Based on the assessment in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department 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 three years until 16.8.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the submission of a revised 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 16.2.2025;
- (b) in relation to (a) above, the implementation of the revised 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 16.5.2025;
- (c) in relation to (b) above, the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.5.2025;
- (e) if the above planning condition (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
- (f) if any of the above planning condition (a), (b) 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 proposed temporary use is not in line with the planning intentions of "G/IC" and "R(A)" zones which are primarily for the provision of GIC facilities serving the needs of the local residents and for high-density residential developments respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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**

<b>Appendix I</b>	Application Form received on 25.6.2024 and SI received on 3.7.2024
<b>Appendix Ia</b>	FI received on 2.8.2024
<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 comments
<b>Drawing A-1</b>	Site 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