

RNTPC Paper No. A/YL-ST/503-1
For Consideration by the
Rural and New Town Planning
Committee on 26.11.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/503-1

<u>Applicant</u>	: Topcycle Development Limited represented by Vision Planning Consultants Limited
<u>Site</u>	: Lots 661 S.C RP, 669 RP, 674 RP (Part) and 733 RP (Part) in D.D. 99 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 39,705m ² (including 2,244m ² of GL)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Other Specified Uses” annotated “Service Stations” (“OU”(SS)) [Restricted to a maximum gross floor area 220,000m ² , a maximum site coverage of 66% for domestic uses and 100% for non-domestic uses and a maximum building height of 4 storeys (15m).]
<u>Application</u>	: <u>Proposed Class B Amendment – Category 18 (under TPB PG-No. 36B)</u> Proposed Extension of Time for commencement of the proposed commercial development (eating place, place of entertainment, and shops and services) with minor relaxation of height restriction and excavation of land for a period of 4 years until 26.1.2026 (i.e. additional 4 years from the original approval)

1. The Proposal

- 1.1 The proposed commercial development at the application site (the Site) (**Plan AA-1**) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 26.1.2018 upon further consideration. The proposed commercial development includes eating place, place of entertainment, and shops and services with minor relaxation of building height restriction. The application shall be valid until 26.1.2022 unless before the said date either the development permitted is commenced or the permission is renewed. The approval letter of application No.

A/YL-ST/503 issued by the Secretary of the Board dated 9.2.2018 is at **Appendix I**.

- 1.2 On 10.8.2021, the applicant submitted the application No. A/YL-ST/503-1 (**Appendix II**) for Class B amendment to the approved scheme under application No. A/YL-ST/503 for the extension of time (EOT) for commencement of the approved development for an additional period of 4 years until 26.1.2026.
- 1.3 On 30.9.2021, the Director of Planning, under the delegated authority of the Board, decided to defer a decision on the application for two months as requested by the Planning Department (PlanD) in order to allow more time for PlanD to further consult with relevant Government departments. The application would be considered within two months from the above date of decision.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendix II**. They can be summarised as follows:

- (a) Since granting of planning permission for the subject application, the applicant has made various submissions for compliance with approval conditions and building plans submissions with a view to commencing the approved development.
- (b) The applicant has complied with the submission part of three approval conditions, i.e. condition (c) on the revised Landscape Master Plan including tree preservation proposal, condition (f) on the revised Environmental Assessment and condition (j) on the design of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development between July 2020 and February 2021.
- (c) Three building plans submissions for the approved development were all disapproved by the Buildings Department (BD) between April 2019 and December 2020 mainly on technical grounds relating to gross floor area (GFA) calculation and fire services (FS) requirements under the Building Planning Regulation (B(P)R) and FS Code 2011 and site classification under the Buildings Ordinance (BO).
- (d) The applicant submitted to Lands Department (LandsD) a land exchange application for the approved development on 3.9.2019, but the processing has been suspended by LandsD. As such, more additional time is required for the applicant to deal with the land matters with LandsD.
- (e) The application for EOT for commencement of the approved development is essential and necessary to allow more time for the applicant to address the outstanding technical comments pertaining to the building plans submission and related land matter concerning the land exchange application.

- (f) Since the planning approval was granted, the applicant has been taking active actions to comply with the approval conditions and to respond with solutions to address the technical issues pertaining to the building plans with a clear intention to commence the approved development as early as possible.

3. Town Planning Board Guidelines

- 3.1 The Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36B) is applicable to this application. The applied EOT for commencement of the development is a Class B amendment under Category 19. According to the Guidelines, the Board has delegated its authority to the Director of Planning to consider applications for Class B amendments. However, application for Class B amendments which is unacceptable by the concerned Government departments will need to be submitted to the Board for consideration. As elaborated in paragraphs 7 and 8, Development Bureau, Innovation & Technology Bureau and PlanD have concerns on granting the EOT. As such, the application is submitted to the Committee of the Board for consideration.
- 3.2 TPB PG-No. 35C is also applicable to this application. Any EOT for commencement of development shall not result in an aggregated extension period longer than the original duration for commencement of the approved development proposal. The criteria for assessing applications for EOT for commencement of development are as follow:
 - (a) whether there has been any material change in planning circumstances since the original permission was granted (such as a change in planning policy/land-use zoning for the area);
 - (b) whether there are any adverse planning implications arising from the extension of time;
 - (c) whether the commencement of development is delayed due to some technical/practical problems which are beyond the control of the applicant, e.g. delays in land administration procedures, technical issues in respect of vehicular access and drainage works or difficulties in land assembly;
 - (d) whether the applicant has demonstrated that reasonable action(s), e.g. submission of building plans for approval or application for Small House/land exchange, have been taken for the implementation of the approved development;
 - (e) whether the applicant has demonstrated that reasonable action(s), e.g. submission and implementation of proposals, have been taken to the satisfaction of relevant Government departments in complying with any approval conditions;
 - (f) whether the applicant has demonstrated that there is a good prospect to commence the proposed development within the extended time limit;

- (g) whether the extension period applied for is reasonable; and
- (h) any other relevant considerations.

4. **Background**

- 4.1 The Site was zoned “OU(SS)” at the time of the approval of planning application No. A/YL-ST/503 in 2018 and the zoning remains in force for the subject EOT application. The “OU(SS)” zone is intended primarily to provide support service facilities such as eating places, petrol filling station etc. for the cross-boundary traffic and the container related facilities nearby. It is restricted to a maximum GFA of 220,000m² and a maximum building height of 4 storeys (15m). The application was approved with conditions by the Committee of the Board on 26.1.2018, upon further consideration. The proposed commercial development includes eating place, place of entertainment, and shops and services with minor relaxation of building height restriction (i.e. from 4 to 7 storeys/ from 15m to 36.7m). The development parameters are at **Appendix III**.
- 4.2 At the time of processing the planning application No. A/YL-ST/503, it was noted that the Site fell within the proposed San Tin/Lok Ma Chau Development Node (STLMC DN), which was one of the identified potential development areas (PDAs) in the Preliminary Feasibility Study on Developing the New Territories North (the Preliminary Study). According to the Preliminary Study’s Broad Land Use Concept Plan, the Site was proposed for ‘commercial’ use under the then study scenarios. However, it was still subject to further studies on planning and engineering feasibility.
- 4.3 On 22.9.2017, the Committee considered the application and decided to defer a decision on the ground that the applicant should address Members’ concerns on the interface arrangement of implementing the temporary and permanent developments at the Site as well as the mode of operation of the proposed commercial development compared to the approved temporary cross-boundary shopping centre. Extract of minutes of the Committee’s meeting on 22.9.2017 is at **Appendix IVa**.
- 4.4 On 26.1.2018, the Committee further considered the application and the further information submitted by the applicant. After consideration, the Committee decided to approve the application with conditions. Extract of minutes of the Committee’s meeting on 26.1.2018 is at **Appendix IVb**.
- 4.5 In relation to action taken by the applicant to take forward the approved development, the position of compliance with the approval conditions attached to the planning permission (**Appendix I**) are as follow:

Approval Conditions		Status of Compliance
(a)	the submission and implementation of a revised layout plan to take into account conditions (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;	Not yet complied
(b)	the proposed development should not exceed the height of the buildings as proposed by the applicant;	Not applicable
(c)	the submission and implementation of a revised Landscape Master Plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;	Partially complied with on 30.7.2020
(d)	the submission of a revised Ecological Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;	Not yet complied
(e)	the submission of a revised Sewerage Impact Assessment and implementation of sewage treatment and disposal measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;	Not yet complied
(f)	the submission of a revised Environmental Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;	Partially complied with on 5.8.2020
(g)	the submission of a revised Drainage Impact Assessment and the provision and maintenance of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;	Not yet complied
(h)	the provision of a comprehensive public transport service proposal for both cross-boundary and local visitors to the satisfaction of the Commissioner for Transport or of the TPB;	To be complied with at implementation stage
(i)	the implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin Public Transport Interchange with the development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;	To be complied with at implementation stage

Approval Conditions		Status of Compliance
(j)	the design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and	Partially complied with on 9.2.2021
(k)	the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.	Not yet complied

- 4.6 In September 2019, the Government commissioned the San Tin/Lok Ma Chau Development Node – Feasibility Study (the Feasibility Study) and an initial land use plan was eventually proposed. Under the initial land use plan (**Plan AA-5**), the Site falls within the Enterprise and Technology (E&T) Park at the northern part of DN, which is intended for a range of innovation and technology uses; as well as compatible and related uses to create synergy with the Hong Kong-Shenzhen Innovation and Technology Park (HSITP) at the Lok Ma Chau Loop to the north of the site. Yuen Long District Council and San Tin Rural Committee were consulted on the initial land use plan for STLMLC DN on 17.3.2021 and 9.7.2021 respectively. On 16.7.2021, the Finance Committee of the Legislative Council (LegCo) approved the funding application for an investigation study and detailed design for STLMLC DN. The 24-month investigation study to finalise the land use proposals for the DN commenced in October 2021. It is targeted to commence construction works by phases starting from 2024.
- 4.7 The applicant submitted a land exchange proposal to LandsD on 3.9.2019. According to LandsD, the processing of the land exchange application has been suspended in order not to pre-empt the finalisation of the land use plan. The Buildings Department (BD) received three sets of building plan submissions by the applicant on 1.2.2019, 28.6.2019 and 30.10.2020, which were subsequently disapproved by BD on 2.4.2019, 27.8.2019 and 24.12.2020 respectively.
- 4.8 In October 2021, the Government released Northern Metropolis Development Strategy (NMDS) in the 2021 Policy Address. Under the NMDS, the San Tin/Lok Ma Chau area, within which the Site is located, is proposed to be developed as “San Tin Technopole” focusing on innovation and technology (I&T) development of significant scale. It functions as a focal point for converging the industry, academia and research sectors for in-depth integration between Hong Kong and Shenzhen. To carry forward the proposal, the Government proposes to substantially increase land for I&T development by making an optimal use of the nearly 60 hectares of land already proposed for E&T Park in the STLMLC DN together with surrounding areas for I&T industries to achieving clustering effect. The Site falls within the areas proposed for I&T industry development in the San Tin Technopole (**Plan AA-6**).

5. The Site and Its Surrounding Areas (Plans AA-1 to AA-4)

5.1 The Site is:

- (a) accessible from the north and northeast off San Tin Tsuen Road leading to Castle Peak Road – Chau Tau, and from the south off Tung Wing On Road leading to Castle Peak Road – Chau Tau;
- (b) in close proximity to the LMC Control Point and the LMC Spur Line Control Point;
- (c) currently vacant and fenced off; and
- (d) located within the Wetland Buffer Area of Deep Bay.

5.2 The surrounding areas are predominated by vehicle parks, village houses, domestic structures, open storage yards and vacant land:

- (a) to its north is a temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container/tractors, storage of construction materials, tyre repair and sale of container vehicles and related parts/accessories under Application No. A/YL-ST/575;
- (b) to its northeast across San Tin Tsuen Road and the nullah to the east of San Sham Road is a temporary public vehicle park for private cars and Lok Ma Chau-Huanggang Cross Boundary Shuttle Buses under Application No. A/YL-ST/588 and the San Tin Public Transport Interchange;
- (c) to the immediate west is a temporary shop and services for motor vehicle showroom approved under application No. A/YL-ST/559 and some unused land; and
- (d) to the immediate south across Tung Wing On Road are existing village houses with some retail shops within the “Village Type Development” zone covering the 7 villages of Wing Ping Tsuen, Tung Chan Wai, Yan Shau Wai, On Lung Tsuen, Fan Tin Tsuen, San Lung Tsuen and Tsing Lung Tsuen.

6. Planning Intention

- 6.1 The existing “OU(SS)” zone is intended primarily to provide support service facilities such as eating places, petrol filling stations, etc. for the cross-boundary traffic and the container related facilities nearby. According to the Explanatory Statement (ES) of the OZP, the area under the “OU(SS)” zoning is intended to consist mainly of container trailer parks, container storage and car repairing workshops. This is due to its proximity to the San Sham Road and the Lok Ma

Chau Control Point, it offers opportunities to develop the area into a service station to facilitate the cross-boundary trading activities.

- 6.2 As set out in paragraphs 4.6 and 4.8 above, this “OU(SS)” zone is being re-planned for a E&T Park, in the context of STLMC DN which also envisages the relocation of the Lok Ma Chau Control Point.

7. Comments from Relevant Government Departments

- 7.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Long-term Planning

7.1.1 Comments of the Secretary of Development (SDEV):

- (a) The planning application was approved in January 2018, before the Government commissioned the feasibility study for STLMC DN in September 2019. The Feasibility Study has been completed and an initial land use plan is now available. According to the initial land use plan formulated for the STLMC DN (**Plan AA-5**), the Site falls within the E&T Park of about 57 ha. The proposed E&T Park is to provide land for I&T related uses to supplement/support the HSITP in Lok Ma Chau Loop and to create synergy with the I&T development in Shenzhen.
- (b) An investigation study for the STLMC DN which commenced in October 2021 is to, amongst others, finalise the land use proposals for the DN based on the initial land use plan. Before the land use is finalised, it is considered that a land exchange application for the subject site mainly for retail/dining and other commercial uses should not be processed since it is not in line with the land use intention of the E&T Park. In the same spirit, the approval of any planning applications for use of sites not in line with the proposed land use and, for that matter, any application for extension of time for commencement of development of such nature should not be supported, as the approval would pre-empt the finalisation of the land use of the STLMC DN and send confusing messages.
- (c) For the implementation programme, the Government will strive to expedite the study and seek to commence the works by phases starting from 2024.

7.1.2 Comments of the Chief Town Planner/Studies and Research 1, PlanD (CTP/SR1, PlanD):

- (a) According to the initial land use plan for the STLMC DN which was presented to the Yuen Long District Council and the Panel on Development of LegCo in March and May 2021 respectively, the

proposed E&T Park at the northern part of DN is intended for a range of I&T uses as well as compatible and related business uses to create synergy with HSITP at the Lok Ma Chau Loop, which could reinforce Hong Kong's position as an international I&T hub in the Guangdong-Hong Kong-Macao Greater Bay Area. The proposed E&T Park forms part of the San Tin Technopole with a substantial increase in the land supply for I&T industry under the NMDS unveiled in the 2021 Policy Address on 6.10.2021.

- (b) The Finance Committee of LegCo approved the funding application for an Investigation Study and Detailed Design for STLMC DN. The 24-month Investigation Study commenced in October this year. The investigation study will take into account the latest planning circumstances to further examine and finalise, amongst others, the land use planning of DN.
- (c) The application site falls within the most sizable plot of land within the proposed E&T Park. According to the current programme, this part of the E&T Park is included in the earliest phase of the implementation programme of DN of which works are targeted for commencement starting from 2024.

7.1.3 Comments of the Secretary of Innovation & Technology (SIT):

- (a) Under the Feasibility Study of STLMC DN, an E&T park has been proposed in STLMC DN for I&T development. In the long run, under the NMDS, the areas around Lok Ma Chau/San Tin will be part of the San Tin Technopole and the subject site falls within E&T Park and is intended for a range of I&T uses as well as compatible and related uses.
- (b) As regards the detailed implementation programme of STLMC DN, DEVB/PlanD/CEDD will be in a better position to advise as the upcoming investigation study and detailed design and construction of infrastructure works for STLMC DN are under their purview. That said, it seems that the proposed development will be permanent and may create a hurdle pre-empting the upcoming comprehensive land use review for and the implementation of STLMC DN. The extent of such potential hurdle would depend on the programme of the implementation of STLMC DN.

Land Administration

7.1.4 Chief Estate Surveyor/Land Supply, Lands Department (CES/LS, LandsD):

- (a) The application site (the Site) involves private lands under Lot Nos. 661 S.C RP, 669 RP, 674 RP and 733 s.E (Part) in D.D. 99. All the said private lots are old-scheduled lots demised for agricultural

purposes but currently subject to a short term waiver (STW) No. 4989 for a temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and shortage of consumer goods under planning application No. A/YL-ST/476 with a quarterly renewal term commencing from 1.4.2019. The Site also involves strips of adjoining land that held under short term tenancy (STT) No. 2871 with a quarterly renewal term commencing from 1.4.2016 for the same uses as STW No. 4989. Apart from that, some unleased and unallocated GL are also included in the Site. The total application site area of 39,705m² would be subject to survey.

- (b) The subject application involves substantial road improvement works along Castle Peak Road – San Tin, San Tin Tsuen Road and Tung Wing On Road. Based on the latest information, the works boundary would encroach on the following Government Land Allocation (GLA):

Allocation No.	Allocatees
GLA TYL 3849	CEDD
GLA TYL 2652	CEDD
GLA YL562	FEHD

- (c) A land exchange application to implement the proposal has been submitted to this office by the lots owner. The subject site falls within STL MC DN for which the Government commissioned a feasibility study in 2019 (“the Study”). The lots owner has been informed that in order not to pre-empt the finalisation of the land use plan arising from the Study, the Government would suspend the processing of the land exchange application for the time being until the finalisation of the land use. Hence, there is no guarantee that the land exchange application, including the granting of any proposed additional Government land would be further considered and approved by this office. Such land exchange application will be dealt with by Lands Department acting in the capacity as the landlord at our discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, amongst others, the payment of premium and administrative fee as may be imposed by Lands Department.

Traffic

7.1.5 Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) He has no comment on the EOT application.
- (b) The Site is in proximity to the alignment of Northern Link Bifurcation under study by MTRCL. The applicant should be aware

of the potential bifurcation alignment and any potential impacts to the application of extension.

- (c) The Site falls within the Administrative Route Protection (ARP) boundary and area of influence (AOI) of the proposed Northern Link (NOL). It should be reminded that the construction of NOL may commence in 2025 tentatively. Those areas within the APR and AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL.

Landscape

7.1.6 Chief Town Planner/Urban Design and Landscape of PlanD:

He has no objection to the EOT application from landscape planning perspective as the EOT application is not arising from landscape matter. He also notes that the applicant has partially complied with approval condition (c) on submission and implementation of a revised Landscape Master Plan and Tree Preservation Proposal.

7.2 The following Government departments have no objection to or no comment on the EOT application:

- (a) Commissioner for Transport;
- (b) Commissioner of Police;
- (c) Chief Highway Engineer/New Territories West, Highways Department;
- (d) Director of Environmental Protection;
- (e) Director of Agriculture, Fisheries and Conservation;
- (f) Project Manager (West), Civil Engineering and Development Department (CEDD);
- (g) Head of Geotechnical Engineering Office of CEDD;
- (h) Director of Fire Services;
- (i) Chief Building Surveyor/New Territories West, Buildings Department;
- (j) Chief Engineer/Mainland North, Drainage Services Department;
- (k) Chief Engineer/Construction, Water Supplies Department;
- (l) Director of Electrical and Mechanical Services;
- (m) Director of Food and Environmental Hygiene (DFEH);
- (n) Commissioner of Tourism; and
- (o) District Officer (Yuen Long), Home Affairs Department.

8. Planning Considerations and Assessments

- 8.1 The application is for the Class B amendment to the approved scheme under application No. A/YL-ST/503 for EOT for commencement of the development for an additional period of 4 years until 26.1.2026. The approved scheme is for commercial development providing a range of retail uses. As stated in TPB PG-No. 35C, the time-limited condition attached to planning permission imposed by

the Board is to ensure that the approved development proposals would be implemented within a reasonable period. With good justifications, the Board may grant an extension of time for commencement of development under s.16A of the Town Planning Ordinance (Ordinance). However, should there be new planning circumstances governing the application, the Board is under no obligation to approve the application. In considering the EOT application, the assessment criteria in TPB PG-No. 35C as summarised in paragraph 3.2 above are relevant. The main considerations include any material change in planning circumstances, any adverse planning implications arising from EOT, the reasons for delay in commencement of development, any reasonable action to comply with approval conditions, any good prospect to commence the development within extended time limit and reasonableness of the extension period applied.

Change in Planning Circumstances

- 8.2 According to the TPB PG-No. 35C, one of the main consideration when assessing an EOT application is whether there would be any material change in planning circumstances. The application No. A/YL-ST/503 was approved by the Committee in January 2018 before the Government commissioned the feasibility study for STLMD DN in September 2019. At the time of processing the application, the Site was proposed for 'commercial' under the then Broad Land Use Concept Plan formulated under the Preliminary Study, which is preliminary/conceptual in nature and subject to further feasibility study. The feasibility study has now been completed and a more detailed initial land use plan has been formulated for the DN. The development timeframe for the DN has also become clearer now (i.e. to strive to commence construction works by phases starting from 2024). According to the initial land use plan of the feasibility study, which has been presented to Yuen Long District Council, San Tin Rural Committee and the Panel on Development of LegCo, the Site forms part of the proposed E&T Park at the northern part of the DN. The proposed E&T Park is intended for a range of I&T uses as well as compatible and related business uses to create synergy with the HSITP at the Lok Ma Chau Loop, which could reinforce Hong Kong's position as an international I&T hub in the Guangdong-Hong Kong-Macao Greater Bay Area. The creation of the E&T Park was further reaffirmed in the NMDS as announced as part of the 2021 Policy Address. The proposed E&T Park would be part of the San Tin Technopole with a substantial increase in the land supply for I&T industry. The San Tin Technopole will be planned as an I&T development area of significant scale, and functions as a focal point for converging the industry, academia and research sectors for in-depth integration between Hong Kong and Shenzhen. As such, when compared to the time of approving the application No. A/YL-ST/503, there is a material change in planning circumstance in that the Government has a much clearer intention and more definite plan to take forward the DN including the Site. The approval of the EOT application for individual commercial and retail uses will run against the clear Government policy on the long-term planning for the area.

Planning Implication Arising from the EOT

- 8.3 Another assessment criteria set out in the TPB PG-No. 35C is whether there would be any adverse planning implication arising from the EOT. The Site falls within

the most sizable plot of land within the proposed E&T Park in the DN and the approved development is for permanent commercial uses, which is not in line with the long-term planning intention. Development Bureau advises that the approval of any planning applications for use of sites not in line with the proposed land use and, for that matter, any application for EOT for commencement of development of such nature should not be supported, as the approval would pre-empt the finalisation of the land use of the STLMC DN and send confusing messages. Innovation and Technology Bureau also indicated that the proposed development will be permanent and may create a hurdle pre-empting the upcoming comprehensive land use review for and the implementation of STLMC DN. The extent of such potential hurdle would depend on the programme of the implementation of STLMC DN. In this regard, Development Bureau pointed out that the Government will strive to expedite the study and seek to commence the works for STLMC DN in 2024. In this connection, it is considered that the approval of the EOT application would not be in line with the finalisation of land use and might adversely affect the implementation of the STLMC DN, thereby creating adverse planning implications.

Prospect to Commence and Implement the Development within the Extended Time Limit

- 8.4 The applicant has taken actions to comply with the approval conditions after planning approval as set out in paragraph 4.5. The applicant has partially complied with the submission parts of three approval conditions. Also, as mentioned in paragraph 4.7, the applicant has made effort in submitting building plans and land exchange proposal for commencing the proposed development. However, the applicant has failed to obtain approval of building plans or lease execution so far. The proposed development therefore could not be regarded as commenced under the TPB Guidelines.
- 8.5 The applicant claimed that the application for EOT for 4 years up to January 2026 for commencement of the approved development is to allow more time for addressing the outstanding technical comments pertaining to the building plans submission and related land matter concerning the land exchange application. In this regard, CES/LS, LandsD clearly indicated that the Government has already suspended the processing of the land exchange application for the time being until the finalisation of the land use in order not to pre-empt the finalisation of the land use plan of the DN. There is no guarantee that the land exchange application, including the granting of any proposed additional Government land would be further considered and approved by them. Regarding the approval of building plans, according to our record, the applicant has recently submitted a set of building plans in October 2021 which is under processing by BD.
- 8.6 As advised by CTP/SR1, PlanD, the part of the E&T Park, in which the Site is located, is included in the earliest phase of the implementation programme of the DN. The works for this part of E&T Park are targeted for commencement starting from 2024. As such, even if permission is granted for an extension of the time limit for commencing the approved development, it is doubtful whether the approved development could commence and be completed in time and even if so, whether

the development would be operated for a reasonably sufficient period of time before the site is required for works.

9. Planning Department's Views

Based on the assessment made in paragraph 8, the Planning Department does not support the application for EOT for commencement of the approved development for the following reason:

the application is not in line with TPB PG-No. 35C in that there has been a material change in planning circumstances in respect of a clear intention and plan to use the Site for the Enterprise and Technology (E&T) Park in the San Tin/ Lok Ma Chau Development Node (STLMC DN) and the approval of the application involving a permanent development not otherwise permitted as of right for the zoning would have adverse planning implications to the finalisation and implementation of STLMC DN

10. Decision Sought

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

11. Attachments

Appendix I	Approval letter issued by the Secretary of the Board dated 9.2.2018
Appendix II	Application Form and Enclosure received on 10.8.2021
Appendix III	Development Parameters under Application No. A/YL-ST/503
Appendix IVa	Minutes of the RNTPC meeting on 22.9.2017
Appendix IVb	Minutes of the RNTPC meeting on 26.1.2018
Drawing AA-1	Master Layout Plan submitted by the applicant during the previous application No. A/YL-ST/503
Plan AA-1	Location Plan
Plan AA-2	Site Plan
Plan AA-3	Aerial Photo
Plan AA-4a and 4b	Site Photos
Plan AA-5	Initial Land Use Plan of San Tin/ Lok Ma Chau Development Node
Plan AA-6	The Proposed San Tin Technopole under the Northern Metropolis Development Strategy

**PLANNING DEPARTMENT
NOVEMBER 2021**