

RNTPC Paper No. A/YL-ST/639  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 3.2.2023

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

**APPLICATION NO. A/YL-ST/639**

<b><u>Applicant</u></b>	: Fortune Nine (HK) Company Limited represented by Top Bright Consultants Limited
<b><u>Site</u></b>	: Lots 52 RP (Part), 61 (Part), 62 (Part), 64 RP (Part) and 65 RP in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<b><u>Site Area</u></b>	: About 1,626m <sup>2</sup> (including about 403m <sup>2</sup> of GL)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<b><u>Zoning</u></b>	: “Residential (Group D)” (“R(D)”) [Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
<b><u>Application</u></b>	: Proposed Temporary Warehouse for Storage of Used Private Vehicles for Sale and a Covered Works Area for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of used private vehicles for sale and a covered works area for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for open storage of used vehicles for sale and a covered works area without planning permission.
- 1.2 As shown on **Plan A-2**, the Site is accessible to Castle Peak Road – San Tin via Shek Wu Wai Road to the east of the Site. According to the layout plan (**Drawing A-1**), there will be one 2-storey warehouse for storage of about 28 used private vehicles (9.2-10.5m in height), one 2-storey site office (4.8m in

height) and one single-storey covered work area (5m in height) (for cleansing and waxing activities) with a total gross floor area of about 1,626m<sup>2</sup>. Two private car parking spaces for staff/visitors will be provided within the Site. The proposed operation hours of the storage of used private vehicles are from 9:00 a.m. to 6:00 p.m. from Mondays to Fridays and 9:00 a.m. to 1:00 p.m. on Saturdays, while there will be no operation on Sundays and public holidays. No car repairing works will be carried out on-site. The applicant has submitted landscape and tree preservation proposal in support of the application (**Drawing A-2**).

1.3 The Site (in whole or in part) is subject to 13 previous applications mainly for temporary vehicle repair workshop, temporary public car parks and temporary open storage of second hand motor vehicles (**Plan A-1b**). The last application (No. A/YL-ST/572) submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 29.5.2020 for a period of 3 years until 29.5.2023 which was then revoked on 28.10.2022 due to non-compliance with approval conditions. The current application is same as the last approved application in terms of proposed use, site area/boundary, floor area, number of structures and site layout.

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

- (a) Application form received on 5.12.2022 (**Appendix I**)
- (b) Planning Statement (**Appendix Ia**)
- (c) Further Information (FI) received on 17.1.2023\* (**Appendix Ib**)

Remarks: \* 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 Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) Approval of Short Term Waiver application for the erection of the proposed warehouse under previous approved application No. A/YL-ST/572 is pending, leading to the non-compliance of approval condition regarding the implementation of fire service installations proposal.
- (b) The Site is unlikely to be developed for residential developments in the short to medium term. Approval of this temporary application would not frustrate the long term planning intention of the “R(D)” zone.

- (c) Areas designated for storage use and the provision of different types of services for car trading are limited in San Tin area.
- (d) There have been seven previous applications for temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area on the Site approved by the Board between 2002 and 2020, which indicates that the proposed use is acceptable within the “R(D)” zone.
- (e) The development is compatible with the surrounding areas where open storage yards, container vehicle parks, logistics centre, retail shops to sell vehicle parts, accessories and construction machinery, and vehicle repair workshops are found. Approval of the application would not result in any interface problems with the surrounding areas.
- (f) The Site is paved and fenced off by 2m high corrugated metal sheets and perimeter trees. No adverse environmental and visual impacts to the surrounding areas would be generated. The used private vehicles for sale will arrive the Site with T-plates and be stored at the Site most of the time and would not generate any additional traffic to the nearby area. With the existing drainage system properly maintained by the applicant, no adverse drainage impact is anticipated.
- (g) There were a number of applications for similar uses within the subject “R(D)” zone in the vicinity recently approved by the Board, indicating that the proposed use is considered suitable for the Site.

### **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. 31A) by posting site notice and sending notice to San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

### **4. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site (in whole or in part) is involved in 13 previous applications mainly for vehicle repairing workshop, car parks and open storage of vehicles. Three of the

previous applications were rejected by the Committee/the Board on review between 1993 and 1998 mainly on the grounds that the proposed uses were not in line with the planning intention of “R(D)” zone, there are insufficient information to demonstrate that the development would not have adverse impacts on the surrounding area and the development is not compatible with the surrounding land uses.

- 5.2 The remaining 10 previous applications were approved with conditions by the Committee/the Board on review between 1999 and 2020 for temporary periods of 3 years mainly on the grounds that the development were considered not incompatible with the surrounding land uses, were generally in line with relevant Town Planning Board Guidelines and adverse impacts arising from the proposed developments were not anticipated. The last application (No. A/YL-ST/572) submitted by the same applicant for the same proposed uses was approved with conditions by the Committee on 29.5.2020. The application was then revoked on 28.10.2022 due to non-compliance with approval condition regarding the implementation of fire service installations proposal.
- 5.3 Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

## 6. Similar Applications

- 6.1 During the past five years since 2018, there have been two similar applications (No. A/YL-ST/573 and 594) for warehouse (excluding dangerous goods godown) uses within the same “R(D)” zone on the OZP which were approved by the Committee on the grounds as stated in para. 5.2 above (**Plan A-1a**).
- 6.2 Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:
  - (a) accessible at the east via Shek Wu Wai Road from Castle Peak Road – San Tin;
  - (b) paved and fenced off; and
  - (c) currently used for open storage of used vehicles for sale and a covered works area.

7.2 The surrounding areas are predominated by residential structures, open storage and vehicle parks:

- (a) to its immediate north are ruins and residential structures. To its further north across a local access are residential structures and a vehicle park approved under application No. A/YL-ST/589;
- (b) to its east across Shek Wu Wai Road are open storage of vehicles and construction materials approved under application No. A/YL-ST/614 and vehicle parks approved under application No. A/YL-ST/590;
- (c) to its south is San Tin Highway; and
- (d) to its west and northwest are residential structures, a vehicle park and unused land.

## **8. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

## **10. Public Comments Received During Statutory Publication Period**

On 13.12.2022, the application was published for public comments. During the statutory publication period, two public comments were received from individuals objecting to the application on the grounds that the development will result in adverse traffic impact, environmental pollution and increase in fire risk, thereby affecting the living quality and safety of the community; and the applicant has failed to comply with the approval condition in previous approved application (**Appendix V**).

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

- 11.1 The application is for temporary warehouse for storage of used private vehicles for sale and a covered works area for a period of 3 years. The Site falls within “R(D)” zone on the OZP which is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The proposed use is not in line with the planning intention of the “R(D)” zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there is no known development proposal for the Site.
- 11.2 The proposed use is not entirely incompatible with the surrounding land uses, comprising mainly vehicle parks, open storage and residential structures. Concerned government departments including C for T, DEP, DAFC, CE/MN, DSD and D of FS have no adverse comments on traffic, environmental, natural conservation, drainage and fire safety aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 12.2 below.
- 11.3 There have been 10 previous approvals for temporary public car parks, temporary open storage of building material, pre-casted facade units and/or vehicle spare parts, and temporary open storage of second hand motor vehicles since 1999. The current application is same as the last approved application in terms of proposed use, site are/boundary, floor area, number of structures and site layout. Since the last approval, there has been no major change in planning circumstances. Approval of the current application is in line with the previous decisions of the Committee.
- 11.4 Two public comments were received during the statutory application period objecting to the application as stated in paragraph 10 above. In this regard, relevant departments’ comments as well as the planning assessments and considerations stated above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comments in paragraph 10, the Planning Department considers that the proposed use could be tolerated for a period of 3 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

3.2.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 1:00 p.m. and 6:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) only private cars and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (f) no dismantling, maintenance, repairing, or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (g) 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 3.8.2023;
- (h) in relation to (g) 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 3.11.2023;
- (i) 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 3.5.2023;
- (j) in relation to (i) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (k) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (j) 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

- (l) if any of the above planning condition (g), (h) or (i) 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 warehouse for storage of used private vehicles for sale and a covered works area is not in line with the planning intention of the "R(D)" zone which is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong planning justification has been given in the submission to justify 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 renewal of the planning 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 5.12.2022
<b>Appendix Ia</b>	Planning statement
<b>Appendix Ib</b>	FI received on 17.1.2023
<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>	Layout plan
<b>Drawing A-2</b>	Landscape and tree preservation proposal
<b>Plan A-1a</b>	Location plan with similar applications
<b>Plan A-1b</b>	Previous application plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
FEBRUARY 2023**