

RNTPC Paper No. A/YL-ST/655
For Consideration by the Rural and
New Town Planning Committee
on 8.9.2023

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

APPLICATION NO. A/YL-ST/655

- Applicant** : Howan Limited represented by Lanbase Surveyors Limited
- Site** : Lots 372 S.D RP (Part), 743 RP (Part) and 744 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
- Site Area** : About 36,503m² (including Government Land (GL) of about 723m² (about 1.98% of the Site))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Other Specified Uses” annotated “Service Stations” (“OU(SS)”)
- Application** : Renewal of Planning Approval for Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Offices for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container tractors, storage of construction materials, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a period of three years at the application site (the Site) (**Plan A-1a**) which falls within an area zoned “OU(SS)” on the approved San Tin OZP No. S/YL-ST/8. According to the covering Notes of the OZP, temporary use of 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 the applied uses under the approved planning application No. A/YL-ST/575 valid until 15.9.2023.

- 1.2 The Site (in whole or in part) is subject to 17 previous applications mainly for container vehicle parks and/or open storage of containers or storage uses (**Plan A-1b**). The last application No. A/YL-ST/575 submitted by the current applicant for the same uses was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 15.9.2020 for a period of three years. All approval conditions had been complied with. The major parameters of the current application are the same as the last application.
- 1.3 The development involves 19 structures (one to two storeys, 2.6m to 8m in height) with a total gross floor area of about 14,136.2m² for CLP transformer room, vehicle repairing and servicing areas, shop, office and storeroom, tyre repairing area, security office, container storage area and storage of construction materials uses. Three private car parking spaces, one heavy goods vehicle parking space, one container vehicle parking space and one loading/unloading space are provided within the Site. The operation hours of the development are 8:00 a.m. to 11:00 p.m. from Monday to Saturday and 10:00 a.m. to 5:00 p.m. on Sundays and public holidays. The Site is accessible from Tun Yu Road via a local access through an ingress/egress (minimum 6m in width) provided at its northeastern boundary (**Plan A-2**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 12.7.2023 (**Appendix I**)
 - (b) Planning Statement (**Appendix Ia**)
 - (c) Further Information (FI) received on 16.8.2023* (**Appendix Ib**)
 - (d) FI received on 28.8.2023* (**Appendix Ic**)

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 and FIs at **Appendix Ia to Ic** which can be summarised as follows:

- (a) The Site is the subject of seven previously approved planning applications for port back-up uses. The applied uses, site area and boundary are the same as the previous application No. A/YL-ST/575 and all approval conditions of the previous application have been complied with. The existing structures and facilities such as landscape planting and drainage facilities would remain unchanged and be maintained. Without major change of planning circumstances, it is considered that the applied uses should be allowed at the Site.
- (b) The applied uses are intended to provide support service facilities for the cross-boundary traffic and the container related facilities nearby. In this regard,

the applied uses are considered in line with the planning intention of the “OU(SS)” zone.

- (c) The development is compatible with the adjacent vehicle parks, open storage and other port back-up uses, and the public transport interchange. As the nearest villages are located at about 100 metres away from the Site, no interface problem with the villagers is anticipated. The application should be sympathetically considered by the Board.
- (d) There were four similar applications approved by the Board within the same “OU(SS)” zone. As such, the uses should be allowed at the Site.
- (e) With the close proximity to the border area and strategic road network, the Site has become an important port back-up site in Lok Ma Chau for many years. The applied uses at the Site would continue to provide port back-up uses to cope with the demand.
- (f) Although the Site is located within the Area of Influence for the Northern Link (NOL). It is located far away from the proposed NOL alignment. The applicant is willing to vacate the influenced area for the construction of the proposed NOL, should the government required. Therefore, the temporary uses would not have impact on the NOL.
- (g) Additional traffic, drainage and environmental impacts are not 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. 31A) by publishing newspaper 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. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C), ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) and ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. **Background**

- 5.1 The Northern Metropolis (NM) Development Strategy released in 2021 put forward the proposal for San Tin Technopole, which covers the Hong Kong-Shenzhen Innovation and Technology Park under construction at the Lok Ma Chau Loop and the San Tin/Lok Ma Chau area. According to the Recommended Outline Development Plan for the San Tin Technopole (**Plan A-1c**) which was published for public engagement exercise in June 2023, the Site is included in the boundary of the San Tin Technopole designated for ‘Other Specified Uses’ annotated ‘Mixed Uses’, ‘Innovation and Technology’, ‘Amenity’ and ‘Road’. According to the estimated programme, site formation will commence in Q4 2024.
- 5.2 The Site is not subject to active planning enforcement action.

6. **Previous Applications**

- 6.1 The Site (in whole or in part) is the subject of 17 previous applications, of which four applications (No. A/YL-ST/95, 103, 200 and 295) mainly for temporary container vehicle park and container storage area were rejected by the Committee between 2000 and 2006 mainly for the reasons that there was insufficient information in the submissions to demonstrate that due regard had been given to minimise the adverse impacts on the surrounding areas; and the developments were not in line with TPB-PG No. 12B.
- 6.2 10 applications (No. A/DPA/YL-ST/11, A/YL-ST/12, 60, 94, 157, 167, 312, 363, 411 and 438) mainly for temporary container vehicle park and container storage area were approved by the Committee between 1996 and 2013 for a period of 12 months or three years mainly on the considerations that the developments were in line with the planning intention of the “OU(SS)” zone; the developments were considered not incompatible with the surrounding land uses; and the technical concerns of relevant departments could be addressed by relevant approval conditions. The planning permissions of applications No. A/YL-ST/167, 312, 411 and 438 were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining three application No. A/YL-ST/447 and its renewal applications No. A/YL-ST/506 and 575 for the same use as the current application were approved by the Committee from 2014 to 2020 for a period of three years on similar considerations as stated in paragraph 6.2 above. All approval conditions of the three applications had been complied with.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 During the past five years since 2018, there have been six similar applications for

temporary shop and services or open storage uses within the same “OU(SS)” zone on the OZP, which were all approved by the Committee mainly on the consideration as stated in paragraph 6.2 above.

- 7.2 Details of the similar applications are summarised at **Appendix III**. Their location are shown on **Plan A-1a**.

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

- 8.1 The Site is:

- (a) accessible from the northeast of the Site via a local track off Tun Yu Road leading to Castle Peak Road – Chau Tau;
- (b) hard paved and currently used for the applied uses with valid planning permission under Application No. A/YL-ST/575 until 15.9.2023; and
- (c) located within the Wetland Buffer Area (WBA) of Deep Bay Area.

- 8.2 The surrounding areas are rural in character predominantly occupied by vehicle parks and unused land:

- (a) to its north, northeast and east across Tun Yu Road are a nullah, grass land, San Sham Road leading to the Lok Ma Chau Control Point, East Rail Line and vehicle parks under approved application No. A/YL-ST/635;
- (b) to its south across San Tin Tsuen Road are shop and services and motor show room under approved application No. A/YL-ST/600, former San Tin Community Isolation Facility, unused land and grass land. To its further southwest are village settlements zoned “Village Type Development” (“V”); and
- (c) to its immediate west is grass land and ponds zoned “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”).

9. Planning Intention

The “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. In order to have a better control of the impact of any development on drainage, traffic, sewerage, environment and ecology on the nearby extensive fish pond area, for those uses which require planning application, the applicant has to prepare a layout plan and to demonstrate that due regard has been given to minimise the adverse impacts of the development on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish pond areas. All development in the area should be guided by a layout plan in order to ensure that the development is in an orderly manner.

10. Comments from Relevant Government Departments

10.1 Apart from the Government departments as set out in paragraph 10.2 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 IV and V** respectively.

10.2 The following Government department has following comments on the application and their views on the application are summarised as follows:

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 San Tin Technopole. According to the latest tentative development programme of San Tin Technopole, the construction work and land resumption will commence after the Financial Committee funding approval tentatively by 2024. Thus, the Site, within the boundary of San Tin Technopole, will probably be required for timely clearance and construction.

11. Public Comment Received During Statutory Publication Period

On 21.7.2023, the application was published for public comment. During the statutory publication period, a total of 141 public comments were received from individuals objecting to the application mainly on the grounds that the development is incompatible with and may hinder and delay the development of San Tin Technopole; and would have adverse environmental, noise, air quality and landscape impacts on the surrounding area (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container tractors, storage of construction materials, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a period of three years. The Site falls within the “OU(SS)” zone on the OZP which 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. The applied temporary uses provide supporting facilities for the cross-boundary traffic and the container related facilities in the Lok Ma Chau area and is therefore considered in line with the planning intention of the “OU(SS)” zone.

12.2 PM(N), CEDD advises that as the Site falls within the boundary of San Tin Technopole, it will be required for timely clearance and construction upon

approval of funding for land resumption tentatively by 2024. 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 that the proposed use may be terminated at any time during the planning approval period for implementation of imminent government projects.

- 12.3 The applied uses which includes 19 structures (2.6m to 8m in height) is considered not incompatible with the surrounding land uses which mainly comprise vehicle parks and unused land.
- 12.4 The Site falls within the WBA of the TPB PG-No.12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of an Ecological Impact Assessment. Director of Agriculture, Fisheries and Conservation has no comment on the application.
- 12.5 The application is in line with the TPB PG No. 13G in that the Site falls within the Category 2 areas where planning permission may be granted on a temporary basis up to three years. Concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services have no objection to the application and their technical requirements are suggested to be imposed through approval conditions as recommended in paragraph 13.2 below. Besides, the applicant will be advised to follow the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to mitigate any potential environmental impacts on the surrounding areas.
- 12.6 The renewal application is generally in line with the TPB PG-No. 34D in that there has been no major change in planning circumstances, adverse planning implications arising from the renewal of the planning approval are not envisaged, all the approval conditions under the previous approval had been complied with, and the three-year approval period sought is the same as the previous application.
- 12.7 The Site is the subject of 13 previous approvals for similar/same uses. Besides, the Committee has approved six similar applications for temporary shop and services or open storage uses within the same "OU(SS)" zone on the OZP in the past five years as detailed in paragraph 7 above. Approval of the current application is in line with the previous decisions of the Committee.
- 12.8 Regarding the public comments raising objection to the application as detailed in paragraph 11 above, the departmental comments and planning assessment above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking into account

the public comments mentioned in paragraph 11, the Planning Department considers that the applied uses could be tolerated for a further period of 3 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 3 years and be renewed from 16.9.2023 to 15.9.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 8:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the containers stacked within 5m of the periphery of the Site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the Site shall not exceed 8 units at any time during the planning approval period;
- (e) the existing boundary fencing and paving on the Site shall be maintained at all times during the planning approval period;
- (f) a vehicular access/run-in between the Site and Tun Yu Road shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing trees and vegetation on-site should be maintained at all times during the planning approval period;
- (i) the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (j) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town planning Board by 16.3.2024;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town planning Board by 16.6.2024;

- (l) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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
- (m) if any of the above planning condition (j) or (k) 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.

[The above approval conditions are similar to those under the last approved Application No. A/YL-ST/575 except those on deletion of the submission of photographic records of the existing drainage based on the latest comments of CE/MN of DSD.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong reason to reject the application.

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 12.7.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 16.8.2023
Appendix Ic	FI received on 28.8.2023
Appendix II	Relevant Extracts of TPB PG-No. 12C, 13G and 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Layout plan

Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-1c	Application site and land use proposal of San Tin Technopole
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4a to 4c	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**