

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

**APPLICATION NO. A/YL-ST/657**

<b><u>Applicant</u></b>	: Mr. LEUNG Chi Cheong represented by FiBi International Project Consultancy Co. Limited
<b><u>Site</u></b>	: Lot 769 S.A in D.D. 99, San Tin, Yuen Long
<b><u>Site Area</u></b>	: About 2,479m <sup>2</sup>
<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>	: “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”)
<b><u>Application</u></b>	: Proposed Temporary Shop and Services (Motor-vehicle Showroom and Sales Centre), Eating Place and Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (motor-vehicle showroom and sales centre), eating place and public vehicle park (excluding container vehicle) for a period of three years at the application site (the Site) which falls within an area zoned “OU(CDWRA)” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1a**). According to the Notes of the OZP for the “OU(CDWRA)” zone, ‘shop and services’ and ‘eating place’ are Column 2 uses which require planning permission from the Town Planning Board (the Board); while ‘public vehicle park’ is neither a Column 1 nor Column 2 uses of the “OU(CDWRA)” zone. The covering Notes of the OZP also states that temporary use of development of any land or building not exceeding a period of three years requires planning permission from the Board. The Site is currently vacant, mainly hard-paved with a few vegetation.
- 1.2 The proposed development involves five structures (one to two storeys, not more than 8m in height) with a total gross floor area (GFA) of about 1,090.5m<sup>2</sup> for motor-vehicle showroom and sales centre, reception, canopy, washroom, eating

place and shop uses (**Drawing A-1**). A total of 13 private car parking spaces, four light goods vehicle (LGV) parking spaces and one LGV loading/unloading space are provided within the Site. There will be about 19 staff members working at the Site and it is estimated that there will be about 200 visitors per day to the Site. The operation hours of the proposed development are between 9:00 a.m. and 6:00 p.m. daily, including public holidays. The Site is accessible from Castle Peak Road – San Tin via a local access through an ingress/egress provided at its eastern boundary (**Plan A-2**). According to the Landscape Proposal (**Drawing A-2**), all ten existing trees in the Site are proposed to be retained and nine new trees are proposed to be planted within the Site.

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

- (a) Application form with attachments received on 24.7.2023 (**Appendix I**)
- (b) Further Information (FI) received on 28.8.2023\* (**Appendix Ia**)
- (c) FI received on 8.9.2023, 12.9.2023 and 14.9.2023\* (**Appendix Ib**)
- (d) FI received on 18.9.2023\* (**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 Application Form at **Appendix I**, which can be summarised as follows:

- (a) The proposed temporary uses for a period of 3 years would not jeopardise the long term planning intention of the Site.
- (b) The proposed uses are not incompatible with the surrounding environment.
- (c) The proposed development is small in scale and far from residential dwelling. No operation will be held during sensitive hours. No vehicle maintenance activities or storage uses will be carried out within the Site. As such, adverse traffic, environmental, drainage, landscape and visual impacts are not anticipated.
- (d) The applicant is willing to comply with the approval conditions including the implementation of drainage facilities if the application is 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. 31A) by posting site notice and sending notice to San Tin Rural Committee. Detailed information would be deposited at the meeting for

Members' inspection.

#### **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) 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 ‘Innovation and Technology’ use and ‘Road’. According to the estimated programme, site formation works would tentatively target to 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 11 previous applications, of which four applications (No. A/DPA/YL-ST/4 and 25, and A/YL-ST/172 and 287) mainly for permanent residential development are not relevant to the current application.

6.2 Four applications (No. A/YL-ST/108, 113, 182 and 253) mainly for temporary container tractor/trailer park with ancillary uses were approved by the Rural and New Town Planning Committee (the Committee) or the Town Planning Appeal Board on appeal between 2000 and 2006 for a period of six months, one year or three years mainly on the considerations that the uses on a temporary basis were not incompatible with the adjacent open storage uses and container trailer parks, and significant adverse traffic and drainage impacts on the area were not expected to be generated; and the applicant should be given time to look for an alternative site to continue his operation.

6.3 The remaining three applications (No. A/YL-ST/161, 171 and 322) mainly for temporary container tractor/trailer park or public vehicle park for container vehicles and heavy goods vehicles were rejected by the Committee or the Board on review between 2001 and 2007 mainly for the reasons that the development was not in line with the planning intention of the “OU(CDWRA)” zone; there was insufficient information in the submissions to demonstrate that the development would not have adverse impact on the surrounding areas; and the development

was not in line with relevant TPB Guidelines.

- 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, there have been three similar applications (A/YL-ST/534, 569 and 630) for temporary shop and services use within the same “OU(CDWRA)” zone which were all approved by the Committee between 2019 to 2022 mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “OU(CDWRA)” zone; and the proposed uses were not incompatible with and would not have adverse impacts on the surrounding land uses.
- 7.2 There have been two similar applications (A/YL-ST/558 and 578) for temporary container and goods vehicle park with ancillary uses including storage uses and vehicle repair area within the same “OU(CDWRA)” zone which were both rejected by the Committee between 2020 and 2021 mainly on the considerations that the development was not in line with the planning intention of the “OU(CDWRA)” zone, TPB PG-No. 12C and 13E.
- 7.3 Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible from its east via a local access connecting to Castle Peak Road – San Tin;
  - (b) currently vacant, mainly hard-paved with a few vegetation; and
  - (c) located within the Wetland Buffer Area (WBA) of the Deep Bay Area.
- 8.2 The surrounding areas are intermixed with vehicle parks, storage yards and grass land:
- (a) to its north are grass land and a vehicle park for container vehicle and a storage yard for construction materials. To its northeast are agricultural land and ponds;
  - (b) to its east is a shop and storage yards for construction material under approved application No. A/YL-ST/630;
  - (c) to its immediate south is some storage yards and grass land. To its further

south across Castle Peak Road – San Tin are woodland and residential dwellings; and

(d) to its west is a vehicle park for container vehicle.

## **9. Planning Intention**

The planning intention of the “OU(CDWRA)” zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

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

10.1 Apart from the Government department as set out in paragraph 10.1.1 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. The following Government department has been consulted and its views on the application are summarised as follows:

### **Project Interface**

10.1.1 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, it is targeted to commence the works in phases tentatively by 2024 after the Financial Committee funding approval. Therefore, 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 1.8.2023, the application was published for public inspection. During the statutory publication period, one public comment was received from an individual objecting to the application that the proposed development would cause water pollution to the nearby ponds (**Appendix VI**).

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary shop and services (motor-vehicle showroom and sales centre), eating place and public vehicle park (excluding container vehicle) for a period of three years. The Site falls within the “OU(CDWRA)” zone which is to provide incentive for the restoration of

degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay. Whilst the proposed uses are not entirely in line with the planning intention of the “OU(CDWRA)” zone, PM(N), CEDD advises that the Site falls within the boundary of San Tin Technopole and will be required for timely clearance and construction for relevant works tentatively by 2024. As such, approving the application for temporary uses pending permanent development may be considered. 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 uses may be terminated at any time during the planning approval period for implementation of imminent government projects.

- 12.2 The Site is located at the fringe of the “OU(CDWRA)” zone and within a short distance from Castle Peak Road – San Tin. The proposed uses with five one to two storeys structures and a total GFA of about 1,090.5m<sup>2</sup> is considered not incompatible with the surrounding land uses which are mainly shop, vehicle parks, storage yards and grass land (**Plan A-2**).
- 12.3 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 from nature conservation point of view based on the existing site conditions.
- 12.4 Concerned government departments, including Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape, Planning Department 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.
- 12.5 Although there are three previous applications rejected by the Committee mainly for temporary container tractor/trailer park or public vehicle park for container vehicles and heavy goods vehicles, it is considered that the nature of the current application is different from the previously rejected applications as the current application is for shop and services, eating place and public vehicle park of which no container vehicles or heavy goods vehicles will be parked/stored on or enter/exit the Site. Moreover, during the past five years, the Committee has approved three similar applications for shop and services use within the same “OU(CDWRA)” zone as detailed in paragraph 7 above. As such, approval of the current application is in line with the previous decisions of the Committee.

- 12.6 One public comment was received during the statutory publication period objecting to the application as stated in paragraph 11 above. In this regard, the relevant departments' comments and planning assessments 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 comment mentioned in paragraph 11, the Planning Department considers that the proposed uses could be tolerated for a 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 three years until 22.9.2026. 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) 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;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying, other workshop activities or storage uses shall be carried out on the Site at any time during the planning approval period;
- (d) 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 22.3.2024;
- (e) in relation to (d) 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 22.6.2024;
- (f) 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 22.3.2024;
- (g) in relation to (f) 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 22.6.2024;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (i) if any of the above planning condition (a), (b), (c) or (h) 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
- (j) if any of the above planning condition (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

#### Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed uses are not in line with the planning intention of the "OU(CDWRA)" zone, which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **15. Attachments**

<b>Appendix I</b>	Application form with attachments received on 24.7.2023
<b>Appendix Ia</b>	FI received on 28.8.2023
<b>Appendix Ib</b>	FI received on 8.9.2023, 12.9.2023 and 14.9.2023
<b>Appendix Ic</b>	FI received on 18.9.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C



<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<b>Drawing A-1</b>	Layout plan
<b>Drawing A-2</b>	Landscape proposal
<b>Plan A-1a</b>	Location plan with similar applications
<b>Plan A-1b</b>	Previous application plan
<b>Plan A-1c</b>	Application site and land use proposal of San Tin Technopole
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4a and A-4b</b>	Site photos

**PLANNING DEPARTMENT  
SEPTEMBER 2023**