

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/662

<u>Applicant</u>	: Mr. Poon Chi Lai
<u>Site</u>	: Lots 210 (Part), 341 S.B RP (Part), 353 (Part) and 354 (Part) in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 925m ² (including about 152m ² of GL (about 16.4%))
<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>	: “Residential (Group D)” (“R(D)”)
<u>Application</u>	: Temporary Vehicle Repair Workshop with Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop with office for a period of 3 years at the application site (the Site) which is zoned “R(D)” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1a**). According to the covering Notes of OZP, temporary use 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 without valid planning permission.
- 1.2 The development involves one two-storey container-converted structure (6m in height) with a total gross floor area of about 153m² for site office use, as well as a vehicle station area (about 220m²) and four vehicle repair bays (three bays with sizes of 12m x 5.5m and one bay with a size of 9.5m x 5.5m) for various types of vehicles (**Drawing A-1**). Two parking spaces for heavy goods vehicles will be provided within the Site. The Site is accessible at the south via a local track leading to Castle Peak Road – San Tin (**Plan A-2**). The development has eight site staff members and the operation hours are from 9:30 a.m. to 6:00 p.m. from Monday to Saturday. There is no operation on Sundays and public holidays. The existing drainage facilities and fire service installations (FSIs) implemented under the previous application (No. A/YL-ST/577) will continue to be maintained by the applicant in the current application.

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

- (a) Application Form with attachments received on **(Appendix I)**
16.11.2023
- (b) Further Information (FI) received on 3.1.2024[#] **(Appendix Ia)**

[#] *exempted from the publication requirement*

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 **Appendices I to Ia**. They can be summarised as follows:

- (a) As there is no residential use in proximity, the applied use would not cause adverse impact on local residents.
- (b) Owing to the Site's close proximity to the public road, emergency repair services can be provided to vehicles in need of the service promptly.
- (c) Various departments including Environmental Protection Department, Drainage Services Department (DSD), Fire Services Department, Highways Department and Transport Department are satisfied with the operation of the vehicle repair workshop at the Site since it commenced operation in 1996. The FSIs and drainage facilities have been implemented on-site. The applicant will continue to maintain the existing trees within the Site. The development will not cause adverse traffic, drainage, fire hazard and environmental impacts.

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. 31B) 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. 31B 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) is 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 (the 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 Technopole (**Plan A-1b**) which was published for public engagement exercise in June 2023, the Site is included in the boundary of the Technopole designated for 'Electricity Substation' and 'Open Space'. According to the estimated programme, site formation would tentatively target to commence in Q4 2024.

5.2 The Site is currently not subject to active planning enforcement action.

6. **Previous Applications**

6.1 The Site is the subject of eight previous applications (No. A/YL-ST/156, 255, 328, 378, 426, 452, 510 and 577) submitted by the same applicant for temporary vehicle repair workshop approved by the Rural and New Town Planning Committee (the Committee) between 2000 and 2020 each for a period of 3 years mainly on considerations that the proposed development was not incompatible with the surrounding land uses; and suitable temporary use could be considered in the interim as long as it would not frustrate the permanent development of the Site and would not have adverse impacts on the area. All approval conditions of the last approved application (No. A/YL-ST/577) had been complied with and the planning permission lapsed on 31.10.2023.

6.2 Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

7. **Similar Applications**

7.1 During the past five years, there were four similar applications for temporary vehicle park with tyre repair area or ancillary maintenance workshop within the same "R(D)" zone on the OZP approved by the Committee mainly on the considerations that approval of these developments on a temporary basis would not frustrate the long-term planning intention of the "R(D)" zone and the developments were not incompatible with the surrounding land uses.

7.2 Details of the similar applications are summarised at **Appendix III** and their location 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) currently used for the applied use without valid planning permission;
- (b) accessible at the south via a local track leading to Castle Peak Road – San Tin; and

(c) located within the Wetland Buffer Area (WBA) of Deep Bay Area.

8.2 The surrounding areas are predominantly occupied by open storage of scrap metal/construction materials and vehicle parts/container tractors or vehicles for sale, vehicle repair workshop and cargo handling and forwarding facility. To the further northeast across a nullah and San Tin Tsuen Road are small houses in the “Village Type Development” (“V”) zone.

9. 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.

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 departments have the following comments on the application.

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 the Technopole. According to the latest tentative development programme of the Technopole, it is targeted to commence the works in phases tentatively by 2024 after Finance Committee funding approval. Therefore, the Site, within the boundary of the Technopole, may probably be required for timely clearance and construction.

Environment

10.2.2 Comments of the Director of Environmental Protection (DEP):

(a) he does not support the application in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) as there are sensitive receivers in the vicinity (i.e. the nearest village house within the “V” zone located to the northeast of the Site with a

distance of about 78m) (**Plan A-2**) and the application involves the use of heavy vehicles, and environmental nuisance is expected;

- (b) there was no environmental complaint related to the Site in the past 3 years; and
- (c) advisory comments as detailed in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 28.11.2023, the application was published for public comment. During the statutory publication period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary vehicle repair workshop with office for a period of 3 years. The Site falls within 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. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Whilst the applied use is not in line with the planning intention of the “R(D)” zone, PM(N), CEDD advises that the Site falls within the boundary of the Technopole and will be required for timely clearance and construction for relevant works 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 applied uses may be terminated at any time during the planning approval period for implementation of imminent government projects.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which comprise mainly open storage of scrap metal/ construction materials and vehicle parts/ container tractors or vehicles for sale, vehicle repair workshop and cargo handling and forwarding facility (**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 Ecological Impact Assessment. Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 Concerned government departments, including Commissioner for Transport, Chief Engineer/Mainland North, DSD and Director of Fire Services have no objection to the application. While DEP does not support the application as there are sensitive receivers (i.e. village houses within the “V” zone to the northeast of the Site) in the vicinity of the Site, no environmental complaint related to the Site was received by DEP in the past three years. Technical requirements of the concerned developments are suggested to be imposed through approval

conditions as recommended in paragraph 13.2 below. Besides, the applicant should be advised to follow the COP to mitigate any potential environmental impacts on the surrounding areas.

- 12.5 As detailed in paragraphs 6 and 7 above, the Site is the subject of eight previous approvals for the same use submitted by the same applicant and four approved applications for similar uses of temporary vehicle park with tyre repair area or maintenance workshop within the same “R(D)” zone on the OZP. Besides, all approval conditions of the last application No. A/YL-ST/577 had been complied with. Approval of the current application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the applied 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 3 years until 12.1.2027. 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 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the implementation of the accepted 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 12.10.2024;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c) or (e) 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
- (g) if the above planning condition (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

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

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

the vehicle repair workshop with office is not in line with the planning intention of the "R(D)" zone which is 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.

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 16.11.2023
Appendix Ia	FI received on 3.1.2024
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Application Site and Land Use Proposal of San Tin Technopole
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos