

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/663

<u>Applicant</u>	:	Mr. FONG Siu Kan represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	:	Lots 56 RP, 165 RP, 166 RP and 167 S.B RP in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	:	About 2,608.8m ² (including about 234.1m ² of GL (about 8.97%))
<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 Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site 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 the 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 applied use comprises a total of 13 structures (2.6m to 7m in height) with a total gross floor area (GFA) of about 609.09m² for tyre repair workshop and other ancillary uses including office, storeroom, canteen, kitchen, restroom, toilet and fire services installations (FSIs). Two parking spaces for container vehicles and three parking spaces for heavy goods vehicles (HGV) are proposed within the Site (**Drawing A-1**). The Site is accessible from the northwest via a local track leading to Shek Wu Wai Road. The operation hours are from 7:00 a.m. to 11:00 p.m. from Monday to Saturday and from 11:00 a.m. to 6:00 p.m. on Sunday and public holidays.
- 1.3 The Site is the subject of nine previous approvals including the last approved application

No. A/YL-ST/614. The current application is submitted by a different applicant with minor changes to the site area, GFA and site layout. A comparison of the major development parameters of the current application and the last approved application No. A/YL-ST/614 is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-ST/614 (a)	Current Application No. A/YL-ST/663 (b)	Difference (b)-(a)
Site Area (about)	2,555.8m ²	2,608.8m ²	+53m ² (+2.1%)
Total GFA (about)	656.93m ²	609.09m ²	-47.84m ² (-7.3%)
Covered Area	507.33m ²	449.51m ²	-57.82m ² (-11.4%)
No. of Structures	13	13	No change
Building Heights (about)	2.6m to 7m	2.6m to 7m	No change
Parking Spaces for Container Vehicles	3	2	-1 (-33.3%)
Parking Spaces for HGV	3	3	No change

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

- (a) Application Form with attachments received on 5.12.2023 **(Appendix I)**
- (b) Further Information (FI) received on 12.1.2024 and 15.1.2024[#] **(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 and Ia**. They can be summarised as follows:

- (a) The applied uses will provide adequate space to alleviate the land shortage for port back-up facilities in the area. Besides, they allow the utilisation of land resources before commencement of government projects in the area.
- (b) The Site is the subject of nine previous applications approved for similar uses and there are similar applications approved by the Committee within the same “R(D)” zone in the past five years. Given that the planning context of the adjacent areas has not been significantly altered, it is considered that the planning circumstances of the current application are relevant to the similar approved applications.
- (c) The existing drainage facilities on the Site have been maintained in good condition and the applicant undertakes to submit and implement the FSIs proposal upon receiving planning approval from the Board. Also, no adverse traffic, drainage, environmental, landscape and visual impacts are anticipated.

- (d) Upon obtaining the planning approval, the applicant will apply to the Lands Department (LandsD) for a Short Term Tenancy (STT) for the portion of GL which is not covered by the existing STT.

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. 31B) by posting site notice and sending notice to the 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 Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) is relevant to the application. The Site is within Category 2 areas under TPB-PG 13G. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

5.1 The Northern Metropolis 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-1c**) which was published for public engagement exercise in June 2023, the Site is included in the boundary of the Technopole designated for ‘Open Space’ and ‘Road’. According to the estimated programme, site formation will commence in Q4 2024.

5.2 The Site is not subject to any enforcement action.

6. Previous Applications

6.1 The Site (in whole or in part) is the subject of nine previous applications (No. A/YL-ST/97, 119, 189, 309, 375, 418, 475, 527 and 614) submitted by different applicants for similar temporary goods vehicle parks and/or container vehicle parks with ancillary repair area and ancillary canteen (except for No. A/YL-ST/97 and 119) which were approved by the Committee on a temporary basis for a period of 3 years, except No. A/YL-ST/97 for a period of 12 months, between 1999 and 2022. The main considerations were that the developments would not frustrate the long-term planning intention of the “R(D)” zone; the developments were not incompatible with the surrounding uses; there were no adverse departmental comments or the concerns of the departments could be addressed by relevant approval conditions; and the developments were in line with the relevant TPB-PG for open storage and port back-up uses. The last two previous approvals (No. A/YL-

ST/527 and 614) submitted by a different applicant for the same applied use were revoked on 3.1.2021 and 18.9.2023 respectively due to non-compliance with approval conditions on implementation of drainage proposals and provision FSIs (for No. A/YL-ST/527), and on implementation of the drainage proposal and submission and provision of FSIs (for No. A/YL-ST/614).

- 6.2 Details of these 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 were seven similar applications for temporary vehicle park and vehicle repair uses within the same “R(D)” zone 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-4d)

- 8.1 The Site is:
- (a) accessible from the northwest via a local track leading to Shek Wu Wai Road; and
 - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by open storage of vehicles/lorry cranes/construction materials/construction machinery/construction waste, vehicle parks, vehicle repair workshops, warehouses, logistics centre and a few residential dwellings.

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 department 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 starting from 2024 after the funding approval by the Finance Committee of the Legislative Council. 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. a residential dwelling is about 39m northeast of the Site) (**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 Comments Received During Statutory Publication Period

On 12.12.2023, the application was published for public comments. During the first three weeks of the statutory publication period, one public comment was received from a private individual raising objection on the grounds that the operation of applied use continues despite previous revocations of previous applications for non-compliance of approval conditions (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site 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 vehicles/lorry cranes/construction materials/construction machinery/construction waste, vehicle parks, vehicle repair workshops, warehouses and logistics centre.
- 12.3 The Site falls within Category 2 area under TPB-PG No. 13G. The application is line with the guidelines in that there were previous approvals for temporary open storage and port back-up uses at the Site for the same/similar vehicle park use since 1999 and relevant government departments consulted, including Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department (DSD), Director of Fire Services and Chief Town Planner/Urban Design and Landscape, Planning Department have no objection to or no adverse comment on the application. The drainage proposal accepted by DSD was already implemented on the Site under previous planning application No. A/YL-ST/ 614. While DEP does not support the application as there are sensitive receivers in the vicinity of the Site (i.e. a residential structure is located to the northeast of the Site), no environmental complaint related to the Site was received by DEP in the past three years. It is envisaged that the applied use would not cause significant adverse traffic, landscape and drainage impacts, and fire safety concern on the surrounding land uses. To minimise any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are 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.
- 12.4 As detailed in paragraphs 6 and 7 above, the Site is the subject of nine previous approvals submitted by different applicants and seven approved similar applications within the same “R(D)” zone. The current application, which is submitted by a different applicant, is generally similar to the last previous approval in terms of the applied uses, with minor changes in site area and layout. Although the last previous approval at the Site was subsequently revoked due to non-compliance with time-limited approval conditions, the current application is submitted by a different applicant, whom has committed to submit and implement FSI proposals and maintain the existing drainage facilities at the Site. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 Regarding the public comment raising objection on the application as detailed in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, 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 26.1.2027.

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 7:00 a.m. from Monday to Saturday, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 6:00 p.m. and 11:00 a.m. on Sunday 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 all times during the planning approval period;
- (d) the implementation of the accepted 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 26.10.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of 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 26.7.2024;
- (g) in relation to (f) above, the provision of fire service installations 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 26.10.2024;
- (h) if any of the above planning conditions (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
- (i) if any of the above planning conditions (d), (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 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 development is not in line with the planning intention of the "R(D)" zone, which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings for low-rise, low-density residential development. No strong planning justification has

been given in the submission for a departure from such 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 5.12.2023
Appendix Ia	FI received on 12.1.2024 and 15.1.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Site 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
Plans A-4a and A-4d	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**