

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/664

<u>Applicant</u>	:	Howan Limited represented by Lanbase Surveyors Limited
<u>Site</u>	:	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
<u>Site Area</u>	:	About 36,503m ² (including Government Land (GL) of about 723m ² (about 1.98% of the Site))
<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>	:	“Other Specified Uses” annotated “Service Stations” (“OU(SS)”))
<u>Application</u>	:	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, Eating Place and Ancillary Offices for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission 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, eating place and ancillary offices for a period of three years at the application site (the Site) which falls within an area zoned “OU(SS)” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1a**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’, ‘Container Vehicle Park/Container Vehicle Repair Yard’, ‘Container Storage/Repair Yard’, ‘Shop and Services’, ‘Eating Place’ and ‘Office’ are Column 2 uses which require permission from the Town Planning Board (the Board); while the applied ‘storage of new unlicensed container tractors’, ‘storage of construction materials’, ‘tyre repair’, and ‘vehicle repair and services’ are neither Column 1 nor Column 2 uses. According to the covering 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 Board. The Site is currently used for the applied uses under the planning application No. A/YL-ST/655 valid until 15.9.2026, except for the applied eating place use¹.

- 1.2 The Site (in whole or in part) is subject to 19 previous applications. When compared with the last approved planning application (No. A/YL-ST/655) which was submitted by the same applicant, the current application is generally the same in terms of site area/boundary and major development parameters, except for the addition of the eating place use as well as increase in four private car parking spaces and a light goods vehicle (LGV) loading/unloading space.
- 1.3 The development involves 19 structures (2.6m to 8m in height) with a total gross floor area of about 14,136.2m² for vehicle repairing and servicing areas, shop, office and storeroom, tyre repairing area, eating place, security office, CLP transformer room, container storage area and storage of construction materials uses. Seven private car parking spaces, one medium/heavy goods vehicle parking space, one container vehicle parking space and one LGV loading/unloading space are provided at the Site (**Drawings A-1a and A-1b**). 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**). 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 Sunday and public holidays, except for the eating place use from 7:00 a.m. to 10:00 p.m. from Monday to Sunday, including public holidays.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | |
|--|------------------------|
| (a) Application form received on 8.12.2023 | (Appendix I) |
| (b) Planning Statement | (Appendix Ia) |
| (c) Further Information (FI) received on 8.1.2024 [#] | (Appendix Ib) |
| (d) FI received on 18.1.2024 [#] | (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 FI at **Appendix Ia to Ic** which can be summarised as follows:

- (a) The Site is the subject of eight previously approved planning applications for similar uses and all the approval conditions imposed on the previous planning application No. A/YL-ST/655 were satisfactorily complied with; whereas the additional eating place use is the subject of the approved planning application No. A/YL-ST/627. The existing structures and facilities such as landscape planting and drainage facilities would remain unchanged and be maintained. Without

¹ The applied eating place use is covered by another approved planning application No. A/YL-ST/627 which is submitted by a different applicant. The applicant explains that the current application is submitted to facilitate the consolidation of the applied uses under one planning application.

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. 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 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. Besides, there are only a few restaurants in the area since the ceased operation of the San Tin Cross-Boundary Shopping Centre. The applied uses at the Site would continue to cope with the demand for port back-up uses and eating place.
- (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. Nevertheless, 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 as compared to the previously approved applications 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. 31B) 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. 31B are not applicable.

4. Town Planning Board Guidelines

Both Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) and ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) are relevant to the application. The Site falls within the Wetland Buffer Area (WBA) in the Deep Bay Area (**Plan A-1a**) and 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 ‘Mixed Use’, ‘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 19 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 the then TPB-PG No. 12B.
- 6.2 Ten 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.
- 6.3 The remaining four applications No. A/YL-ST/447, 506, 575 and 655 for the same use as the current application (except eating place use) and one application No. A/YL-ST/627 submitted by a different applicant for eating place use were approved by the Committee from 2014 to 2023 for a period of three years on similar considerations as stated in paragraph 6.2 above. All approval conditions of the last application no. A/YL-ST/655 submitted by the same applicant has 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, there have been four similar applications for temporary shop and services or open storage uses within the same “OU(SS)” zone, which were approved by the Committee mainly on the considerations 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 its northeast via a local track leading to Tun Yu Road;
 - (b) hard paved and currently used for the applied uses with valid planning permission under Application No. A/YL-ST/655 until 15.9.2026 (except for the applied eating place use); and
 - (c) located within the WBA of Deep Bay Area.
- 8.2 The surrounding areas are rural in character predominantly occupied by vehicle parks, shop and services and motor showroom, Lok Ma Chau Control Point, Construction Industry Council San Tin Training Ground, village settlements, grass land and ponds.

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

11. Public Comment Received During Statutory Publication Period

On 15.12.2023, 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 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, eating place and ancillary offices for a period of three years. The applied uses are generally in line with the planning intention of the “OU(SS)” zone, which is 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. Nevertheless, PM(N), CEDD advises that as the Site falls within the boundary of the Technopole, it will be required for timely clearance and construction upon approval of funding for the 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 proposed use may be terminated at any time during the planning approval period for implementation of imminent government projects.
- 12.2 The applied uses which include 19 structures (2.6m to 8m in height) are considered not incompatible with the surrounding land uses which mainly comprise vehicle parks, shop and services and motor show room. Chief Town Planner/Urban Design and Landscape, Planning Department has no objection to the application from landscape planning perspective.
- 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.

- 12.4 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, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on traffic, environmental, fire safety and drainage aspects respectively. Should the application be approved, technical requirements of D of FS and CE/MN, DSD are suggested to be imposed through approval conditions in paragraphs 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 As detailed in paragraphs 6 and 7 above, the Site is the subject of 15 previous approvals for similar/same uses and four approved applications for similar uses of temporary shop and services or open storage uses within the same "OU(SS)" zone in the past five years. 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 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 8:00 a.m. from Monday to Saturday 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 use, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sunday and public holidays 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 use, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation between 10:00 p.m. and 7:00 a.m. for the temporary eating

place, 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) 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 26.4.2024;
- (f) the maintenance of the existing drainage facilities on the site at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town planning Board by 26.7.2024;
- (h) in relation to (h) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town planning Board by 26.10.2024;
- (i) if any of the above planning condition (a), (b), (c), (d) or (f) 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 (e), (g) or (h) 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 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 8.12.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 8.1.2024
Appendix Ic	FI received on 18.1.2024
Appendix II	Relevant Extracts of TPB PG-No. 12C and 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1a to A-1b	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 to A-4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**