

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/370

- Applicant** : Mr. CHUNG Chi Kwong represented by Metro Planning and Development Company Limited
- Site** : Lots 434 and 444 in D.D. 102 and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 553 m² (including about 270m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Open Storage” (“OS”)
- Application** : Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary vehicle repair workshop with ancillary vehicle stripping yard for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “OS” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. According to the Notes for “OS” zone, ‘Vehicle Repair Workshop’ is a Column 1 use which is always permitted, while ‘Vehicle Stripping Yard’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plan A-2**).
- 1.2 The Site is the subject of a previous application (No. A/YL-NTM/323) (**Plan A-1**) submitted by the same applicant for the same use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 7.8.2015 with conditions for a period of 3 years. However, the application was revoked on 7.9.2017 due to non-compliance with conditions on the submission and implementation of drainage proposal.
- 1.3 According to the applicant, the Site will mainly be used for vehicle repair workshop use with one parking bay for vehicle stripping use. As shown on the layout plan at

Drawing A-1 and **Plan A-2**, the Site is accessible at the east to Ka Lung Road via a local track. As compared with the last approved application (No. A/YL-NTM/323), the current application is for the same use with the same layout and parameters as summarized below:

Major Development Parameters	Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard
Site Area	About 553 m ²
No. of Structure(s)	3 <ul style="list-style-type: none"> • an enclosed structure for vehicle repair workshop including a vehicle stripping yard (2 bays for vehicle repair and 1 bay for vehicle stripping) • a site office • a meter room/toilet
Total floor area	Not exceeding 266 m ²
Height of structures	<ul style="list-style-type: none"> • vehicle repair workshop and ancillary vehicle stripping yard (8m, 1 storey) • site office (3.5m, 1 storey) • meter room/toilet (3.5m, 1 storey)
No. of Parking Space:	1 (7m x 3.5m) for private car/light goods vehicle (LGV)
Operation Hours	9:00 a.m. to 7:00 p.m. Mondays to Saturdays No operation on Sundays and public holidays

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

- (a) Application Form received on 17.5.2018 **(Appendix I)**
- (b) Supplementary Planning Statement received on 17.5.2018 **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in the Supplementary Planning Statement (**Appendix Ia**) in support of the application are summarized as follows:

- (a) The proposed development falls within “Category 1” area under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) , and considered suitable for open storage and port back-up uses.
- (b) The proposed development is in line with the planning intention of “OS” zone which is primarily for the provision of land for appropriate open storage uses and for regularization of the already haphazard proliferation of open storage uses. It provides for the orderly development for open storage uses that cannot be accommodated in conventional premises.

- (c) The proposed development is not incompatible with the surrounding environment which is mainly occupied by open storage, rural workshops and warehouses. The applicant has committed to implement the proposed landscape plan (**Drawing A-2**) to upgrade the visual quality of the Site.
- (d) Although the previous planning permission (Application No. A/YL-NTM/323) for the same uses was revoked due to non-compliance of approval conditions on the submission and implementation of drainage proposal, the applicant has submitted a drainage proposal under the current application to satisfy the requirement of Drainage Services Department (DSD).
- (e) The proposed development will only cater for the repairing of 2 private cars/LGVs and stripping of 1 private car at the same time, and no vehicle exceeding 5.5 tonnes will access the Site. The proposed development would not generate significant amount of traffic and no adverse traffic impact to the surrounding area is anticipated. With sufficient manoeuvring space for private car, the proposed development will not generate queueing of traffic outside the Site.
- (f) Both vehicle repair workshop and vehicle stripping yard will be housed within an enclosed structure to shield the noise generated by workshop activities and only hand tools will be used for stripping of vehicle, no stripping or compaction machine will be involved. Boundary fencing of 2.5m high is proposed. No adverse environmental and visual impacts to the surrounding area are anticipated. The applicant has committed to implement preventive and mitigation measures according to 'Code of Practice of Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) to avoid degradation of surrounding environment.

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. 31) by posting site notice and sending notice to San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. The remaining of the Site is GL, and the "Owner's Consent/Notification" requirements are not applicable.

4. Background

The Site is currently not a subject of any active planning enforcement case.

5. Previous Application

The Site is subject of a previous planning application No. A/YL-NTM/323 submitted by the same applicant for the same use. The application was approved by the Committee on 7.8.2015 mainly on consideration that the proposed uses were generally in line with the planning intention of "OS" zone; not incompatible with the surrounding uses; and in line with TPB PG-No. 13E. However, the application was revoked on 7.9.2017 due to non-compliance with approval conditions on the submission and implementation of drainage proposal.

6. Similar Applications

- 6.1 There are 17 similar applications mainly involving container vehicle parks with ancillary repair activities or container vehicles/goods vehicles repair yard within the same "OS" zone since the promulgation of TPB PG-No. 13E on 17.10.2008. However there is no similar application for vehicle stripping yard within the same "OS" zone.
- 6.2 14 of which were approved by the Committee mainly on the grounds that the proposed developments were not incompatible with the surrounding uses; the proposed developments were in line with the planning intention of "OS" zone and TPG PG-No. 13E; and the approvals of the application were in line with the Committee's previous decisions. The remaining 3 similar applications were rejected by the Committee mainly for the reasons that the developments were not in line with TPB PG-No. 13E in that the development would have adverse environmental, traffic and drainage impacts on the surrounding area, and the applicants failed to demonstrate that these impacts could be adequately addressed.
- 6.3 Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 7.1 The Site is:
 - (a) currently vacant;
 - (b) hard paved; and
 - (c) accessible via local track leading from Ka Lung Road
- 7.2 The surrounding areas are dominated by vehicle parks, warehouses, open storage yards, vehicle repair workshops, residential dwellings, unused land and vacant land:
 - (a) to its immediate north are vacant land and an area for storage use, to the further north are open storage of construction materials/ machinery/ tyres, refuse collection point and unused land;
 - (b) to its east are local track, unused land; to further east across the Ka Lung Road are unused land, warehouse and graves; to its northeast are scattered residential dwellings; ;
 - (c) to the immediate south are vehicle repair yards, scattered residential dwellings (the nearest is about 8m away) and unused land; to the further south are warehouses and pig farm; and
 - (d) to the west are vacant land, warehouse, open storage of vehicles and residential dwellings.

8. Planning Intention

The planning intention of the “OS” zone is intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and the public comments received are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) A portion of Government Land (GL) with an area of about 257m² of the Site is covered by a Short Term Tenancy (STT) No. 2967 for the purpose of “Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard”.
- (c) No permission is given for occupation of the remaining GL with an area about 13m² (subject to verification) included in the Site. The act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (d) The private land (PL) of Not Nos. 434 and 444 in D.D.102 are covered by Short Term Waiver (STW) Nos. 4505 and 4506 respectively to permit structures for the purpose of “Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard”.
- (e) The Site is accessible to Ka Lung Road through GL. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions if there is any irregularity on site. Furthermore, the applicant has to either exclude the remaining GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee

that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

9.1.2 Comments of the Commissioner of Transport (C for T):

- (a) The Site is connected to the public road network via a section of a local access which is not managed by TD. The land status of the local access road should be clarified with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Should the application be approved, the following conditions should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Ka Lung Road should be commented by TD;
- (b) HyD does not and will not maintain the vehicular accesses connecting the Site and Ka Lung Road.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

He has no in-principle objection to the application with application period of 3 years from railway development point of view.

Environment

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

- (a) DEP has no objection to the application, as it is noted that only vehicles not exceeding 5.5 tones will be allowed to access the Site and all workshop activities will be housed in enclosed structure.
- (b) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open

Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.

- (c) There is no complaint pertaining to the Site received in the past three years.

Nature Conservation

- 9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Noting that the Site is located within “OS” zone and has been hard-paved, he has no comment on the application.

Landscape

- 9.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

It is noted that the landscape planting provided on site under last application (No. A/YL-NTM/323) has been removed, should the application be approved, submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board is required.

Water Supplies

- 9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application subject to the following comments.
- (b) Existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development.
- (c) In case it is not feasible to divert the affected water mains within the Site, a Waterworks Reserve within 1.5m from the centerline of water main shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes.
- (d) The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize.

- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Drainage

9.1.9 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from the drainage operation and maintenance point of view.
- (b) Should the application be approved, the applicant should be advised on the following:
 - (i) the drainage proposal submitted by the applicant is considered unacceptable. In this regard, the applicant shall submit a drainage submission to demonstrate how rain water falling onto or flowing to the Site will be collected, conveyed and discharged. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and inverted levels of pipes/catchpits/outfalls and ground level justifying waterflow, etc.) with supporting design calculations according to the 'Guideline on Preparation of the Drainage Proposal' available at DSD's website should be included. Should additional drainage works be required, approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
 - (ii) after completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
 - (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
 - (iv) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
 - (v) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
 - (vi) the applicant should consult DLO/YL regarding all the proposed drainage works outside the Site boundary in order to ensure the unobstructed discharge from the Site in future; and

- (vii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

Fire Safety

9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should also be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.11 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application.
- (b) Before any new buildings works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) For UBW erected on leased land, enforcement action any be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The

granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO.

- (d) The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Others

9.1.12 Comments of the Commissioner of Police (C of P):

He has no objection in principle to the application provided that there shall be no activities associated with Parallel Trading/General Merchandise Operators or illicit refueling activities.

9.1.13 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no particular comment on the application from electricity supply safety aspect. However, in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the current application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and /or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer's Comments

9.1.14 Comments of the District Officer/Yuen Long (DO/YL):

He has no comment on the application and no local comment has been received

- 9.2 The following Government departments have no comment on, no objection to or no in-principle objection to the application:

- (a) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comments Received During Statutory Publication Period

On 25.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 15.6.2018, no public comment was received.

11. Planning Considerations and Assessment

- 11.1 The proposed temporary vehicle repair workshop with ancillary vehicle stripping yard for a period of 3 years falls within an area zoned “OS” which is intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. The proposed temporary use is generally in line with the planning intention of the “OS” zone.
- 11.2 The proposed use is not incompatible with the surrounding uses which are dominated by vehicle parks, warehouses, open storage yards, vehicle repair workshops and scattered residential dwellings. In view of the small scale and temporary nature of the development within an enclosed structure, it would not have significant impact on the rural character of the area. Concerned Government departments, including C for T, DEP, CHE/NTW of HyD, CE/MN of DSD, D of FS and CTP/UD&L of PlanD have no objection to the application on traffic, environmental, drainage, fire safety and landscape aspects respectively. Their technical concerns could be addressed by imposing the approval conditions recommended in paragraphs 12.2 (e) and (g) to (l) below. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours, type of vehicles, type of stripping tools, and provision of boundary fencing are recommended in paragraphs 12.2 (a), (b), (c), (d) and (f) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the COP issued by DEP to minimize any possible environmental impacts.
- 11.3 The Site is the subject of a previous application (No. A/YL-NTM//323) submitted by the same applicant for the same proposed use which was approved by the Committee on 7.8.2015 for the reasons as stated in paragraph 6. Comparing with the last approved application, the current application is for the same use with the same layout and operation. Since 2008, the Committee has also approved 14 applications (**Appendix II**) for similar uses mainly for container vehicle parks with ancillary repair activities or container vehicles/goods vehicles repair yard within the same “OS” zone. Approval of the subject application is in line with the Committee’s previous decisions
- 11.4 In view that the last approved Application No. A/YL-NTM/323 was revoked on 7.9.2017 due to non-compliance of approval conditions on submission and

implementation of drainage proposal, the applicant has submitted a drainage proposal under current submission to address CE/MN of DSD's concern (**Appendix Ia**). Although the drainage proposal submitted by applicant was not acceptable to CE/MN of DSD, he has no objection to the application. It is considered that the subject application may be given sympathetic consideration. Should the application be approved, shorter compliance periods are recommended for close monitoring of the progress on compliance with the approval conditions. The applicant will also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.5 There is no public comment received on the application during the statutory public inspection period.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the proposed temporary vehicle repair workshop with ancillary vehicle stripping yard could be tolerated for a period of 3 years.
- 12.2 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 6.7.2021. The following conditions of approval with shorter compliance period and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m. on Monday and Saturday, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operations on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) only private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period;
- (d) only hand tools will be used for vehicle stripping, and no stripping or compaction machine shall be used on site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (f) the provision of boundary fencing on the Site within **3** months from the date of planning approval to the satisfaction of Director of Planning or of the Town Planning Board by 6.10.2018;

- (g) the submission of landscape proposal within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.10.2018;
- (h) in relation to (g) above, the implementation of the landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.1.2019;
- (i) the submission of drainage proposal 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 6.10.2018;
- (j) in relation of (h) above, the implementation of the drainage proposal within **6** months from the date of planning approval to the satisfaction of Director of Drainage Services or of the Town Planning Board by 6.1.2019;
- (k) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 6.10.2018;
- (l) in relation of (j) above, the provision of fire service installations proposed within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 6.1.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d) 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
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) is not complied with by the above 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 III**.

12.3 There is no apparent reason to reject the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 17.5.2018
Appendix Ia	Supplementary Planning Statement received on 17.5.2018
Appendix II	Similar applications within the same “OS” zone on OZP
Appendix III	Recommended Advisory Clauses
Drawings A-1 & A-2	Layout Plan and Landscape Plan
Plan A-1	Location Plan with similar applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2018**