

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/148

- Applicant** : Eternal Universal Limited
- Site** : Lots 4 (Part), 5 (Part), 6 (Part) and 7 S.A (Part) in D.D. 124, Lot 1498 S.B RP (Part) in D.D. 125, and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 3,576m² (about) (including about 74m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Other Specified Uses” annotated “Logistics Facility” (“OU(LF)”) [Restricted to maximum plot ratio of 5 and maximum building height of 110mPD]
- Application** : Renewal of Planning Approval for Temporary “Centre for Inspection of New Vehicles, Car Repair Workshop and Open Storage of Vehicles Prior to Sale (Including Coach, Tractor and Lorry) with Ancillary Warehouse for Storage of Parts and Accessories and Site Office” for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary centre for inspection of new vehicles, car repair workshop and open storage of vehicles prior to sale (including coach, tractor and lorry) with ancillary warehouse for storage of parts and accessories and site office for a period of 3 years (**Plan A-1a**). The Site falls within “OU(LF)” zone on the approved HSK and HT OZP. According to the Notes of the OZP, vehicle repair workshop is a Column 2 use within the “OU(LF)” zone that require planning permission from the Town Planning Board (the Board) while the other proposed uses are always permitted within such zone. The Site is currently being used for the applied use under a valid planning permission, No. A/YL-HT/1030.
- 1.2 The Site is related to 7 previous applications (No. 423, 433, 469, 562, 629, 854 and 1030) for similar open storage uses. The last application No. A/YL-HT/1030 for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for 3 years on 24.6.2016. The applicant has complied with all the approval conditions. The planning permission is valid until 24.6.2019.

- 1.3 The Site is accessible from Ha Tsuen Road via a local track and the ingress/egress point is located at the south-eastern part of the Site (**Drawings A-1 and A-2**). A total of 20 structures with a total floor area of 1,818m² are proposed. They include 7 single storey (2.6 m to 5 m in height) open sheds for vehicle repairing and vehicles parts storage, one single storey (2.9 m in height) stone house as meter room, and other 12 one to two storey (2.6 m to 5.2 m in height) structures in converted containers for site office, rest rooms, pumping room, bathroom, toilet, machinery repair room and vehicles parts storage (**Drawings A-2 and A-4**). 10 non-designated private car parking spaces for staff and visitors and 40 parking spaces for new/repaired vehicles including container tractor, coach and goods vehicle are provided within the Site (**Drawing A-3**). The operation hours are from 9:00 a.m. to 8:00 p.m. Monday to Saturday and there will be no operation on Sundays and public holidays. The proposed vehicular access plan, layout plan, vehicle disposition plan, tree preservation plan, supplementary table for on-site structures and fire services layout plan are at **Drawings A-2 to A-6** respectively.
- 1.4 The development parameters of the current application and the last approved application are the same and are summarised in the following table:

Major Development Parameters	Last Approved Application (A/YL-HT/1030)	Current Application (A/HSK/148)
Site Area	3,576 m ²	
Applied Use	Temporary Centre for Inspection of New Vehicles, Car Repair Workshop and Open Storage of Vehicles Prior to Sale (Including Coach, Tractor and Lorry) with Ancillary Warehouse for Storage of Parts and Accessories and Site Office	
No. of Structure	20	
Total Floor Area	1,818m ²	
No. of Private Car Parking Spaces	10	
No. of New/ Repaired Vehicles Parking Spaces	40	
Operation Hours	<ul style="list-style-type: none"> • 9:00 a.m. to 8:00 p.m. from Mondays to Saturdays • no operation on Sundays and public holidays 	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 11.4.2019 with proposed vehicular access plan, layout plan, vehicle disposition plan, tree preservation plan, supplementary table for on-site structures and fire services layout plan **(Appendix I)**
- (b) Further Information (FI) received on 23.4.2019 on the certificates of fire service installation and equipment *[accepted and exempted from publication and recounting requirements]* **(Appendix Ia)**
- (c) FI received on 17.5.2019 on the proposed operation hours *[accepted and exempted from publication and recounting requirements]* **(Appendix Ib)**

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Part 8 of the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The applicant operates coach fleet with more than 200 vehicles in Hong Kong.
- (b) As the previously approved application No. A/YL-HT/1030 is valid until 24.6.2019, the subject renewal application is therefore submitted to continue its operation at the Site.

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 notices and sending notice to the Ha Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The use is not subject to planning enforcement action. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not approved by the Board.

5. **Town Planning Board Guidelines**

- 5.1 On 17.10.2008, the Board promulgated the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The site falls within Category 1 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 5.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

6. **Previous Applications**

- 6.1 The site is the subject of 7 previous applications No. A/YL-HT/423, 433, 469, 562, 629, 854 and 1030 for temporary open storage of brand new vehicles/centre for inspection of new vehicles. 3 earlier applications No. A/YL-HT/423, 433 and 469 were rejected before 2008 while the subsequent 4 applications were approved with conditions by the Committee/Board from 2008 to 2016.
- 6.2 The 3 earlier application sites straddles over “Residential (Group D)” (“R(D)”) and “Recreation” (“REC”) zones on the Ha Tsuen OZP Nos. S/YL-HT/6 to 8. The applications were rejected on the grounds of not in line with the planning intention of “R(D)” zone, not in line with the Town Planning Board Guidelines and setting of undesirable precedent. However, parts of the “R(D)” and “REC” zones along Ha

Tsuen Road were subsequently rezoned to “OS(1)” on 25.1.2008 taking into account the land use review in Ha Tsuen area conducted in 2007. The subsequent 4 applications were then approved with conditions by the Committee/Board. Application Nos. A/YL-HT/562 and 629 were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1b**.

- 6.3 The last application No. A/YL-HT/1030 for the same applied use was approved by the Committee on 24.6.2016 for a period of 3 years and valid until 24.6.2019. All the time specific approval conditions had been complied with. Compared with the last approved application, the current application is submitted by the same applicant on the same site with the same applied uses and layout with the same development parameters and operation hours.

7. Similar Applications

There are 3 similar applications No. A/YL-HT/639, 664 and 850 for temporary goods vehicles repair workshop within the same “OU(LF)” zone on the approved HSK and HT OZP No. S/HSK/2 since the promulgation of TPB PG-No. 13E on 17.10.2008. All of these applications were approved by the Committee taking into consideration that the applied uses were not incompatible with the surrounding uses. Particulars of these applications are summarized at **Appendix V** and their locations are shown on **Plan A-1a**.

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

8.1 The site is:

- (a) currently being used for the applied uses with a valid planning permission; and
- (b) accessible from Ha Tsuen Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are a number of warehouses and logistics centre which are permitted under the “OU(LF)” zone, a vehicle repair workshop and a domestic structure (about 27m away), while to its further north is the Ha Tsuen Road;
- (b) to its immediate east is the van track leading from Ha Tsuen Road, while to its further east and southeast are two logistics centres;
- (c) to its south are three logistics centres and a warehouse which are permitted under the “OU(LF)” zone; and
- (d) to its west is a logistics centre which is permitted under the “OU(LF)” zone.

9. Planning Intention

The Site falls within “OU(LF)” zone on the approved HSK and HT OZP. The planning intention of the “OU(LF)” zone is primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) The Site comprises Old Schedule 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) The Government land (GL) (about 74m² subject to verification) is covered by Short Term Tenancy No. 3004 (STT3004) for the purposes of Temporary Centre for Inspection of New Vehicles, Car Repair Workshop and Open Storage of New Vehicles with Ancillary Offices and Storerooms.
- (c) The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s).	STW No.	Purposes
Lot No. 4 in D.D. 124	4604	Temporary Centre for Inspection of New Vehicles, Car Repair Workshop and Open Storage of New Vehicles with Ancillary Offices and Storerooms
Lot No. 5 in D.D. 124	4605	
Lot No. 6 in D.D. 124	4606	
Lot No. 7 S.A in D.D. 124	4607	
Lot No. 1498 S.BRP in D.D. 125	4608	

- (d) The Site is accessible from Ha Tsuen Road through private lot(s). His office does not guarantee any right-of-way to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should the application be approved, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Buildings(s) will be considered or allowed. Application(s) for any of the above 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(s) will be approved. If such application(s) 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

10.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by the TD.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ha Tsuen Road.

Environment

10.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) DEP does not support the application because there are sensitive users in vicinity of the site (the closest residential dwelling to the north is about 27m away) and along Ha Tsuen Road (**Plan A-2**) and environmental nuisance is expected.
- (b) No substantial environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the planning application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP).

Drainage

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

- (a) Since it is an application for renewal of planning approval of the previous application No. A/YL-HT/1030, he supposes the existing drainage facilities will be maintained by the applicant. He has no objection in principle to the application from a drainage point of view.

- (b) Should the application be approved, he would suggest imposing planning conditions requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BA 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 application site under the BO.
- (d) Before any new building works (including containers/open shed as temporary buildings and land filling) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing fire service installations (FSI) implemented on the Site being maintained in efficient working order at all times.

Long Term Development

10.1.8 Comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the proposed temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P & E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, via. Advance Works and Stage 1 to Stage 4. The lots concerned fall within a site under Stages 3 Works Stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site will not be arranged before the first population intake of the HSK NDA expected in 2024.

District Officer's Comment

10.1.9 Comments of the District Officer (Yuen Long) , Home Affairs Department (DO/YL, HAD):

His office has not received any comment from locals on the application.

10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 23.4.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 14.5.2019, no public comment was received.

12. Planning Considerations and Assessment

12.1 The Site falls within "OU(LF)" zone on the approved HSK and HT OZP, with its planning intention primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub. Whilst the development is not entirely in line with the planning intention, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD has no objection to the proposed temporary use for a period of 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.

- 12.2 The proposed temporary centre for inspection of new vehicles, car repair workshop and open storage of vehicles prior to sale with ancillary warehouse for storage of parts and accessories and site office is not incompatible with the surrounding land uses which are predominantly used for logistics centres, warehouses and workshops (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/YL-HT/1030) for three more years. Other than the change in OZP zoning, there has been no other major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval. As explained above, the approval of the application on a temporary basis would not jeopardize the implementation of the zoned uses. There is also no adverse comments from the relevant departments except DEP. Compare with the last approved application No. A/YL-HT/1030, the current application is submitted by the same applicant and the applicant has complied with all the approval conditions under previous approval. Furthermore, there would be no adverse planning implications arising from the renewal of the temporary planning approval. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34B.
- 12.4 The site falls within Category 1 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:
- Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.
- 12.5 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up uses; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.
- 12.6 There is no major adverse comment from the concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 27m away) and along Ha Tsuen Road, and environmental nuisance is expected (**Plan A-2**). However, there was no substantive environmental complaint pertaining to the Site in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions, including operations on restricted hours/days, would result in revocation of the planning permission and any unauthorized development on Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers.

12.7 The Committee has approved 4 previous applications for the same applied use at the Site (**Plan A-1b**) and 3 similar applications within the same “OU(LF)” zone since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plan A-1a**). Approval of the current application is in line with the Committee’s previous decisions.

12.8 There is no public comment received during the statutory public inspection period.

13. Planning Department’s Views

13.1 Based on the assessment made in paragraph 12 above, the Planning Department has no objection to the temporary centre for inspection of new vehicles, car repair workshop and open storage of vehicles prior to sale (including coach, tractor and lorry) with ancillary warehouse for storage of parts and accessories and site office for a further 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 from **25.6.2019 until 24.6.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 9:00 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 the public road at all times during the planning approval period;
- (d) the existing boundary fencing on the site should be maintained at all times during the planning approval period;
- (e) all existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the existing fire services installations shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **31.8.2019**;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the 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 (h) 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.

[Conditions (a), (b), (c), (d), (e), (f), (h), (i) and (j) are all the same as the previous Application No. A/YL-HT/1030 while the previous conditions on provision of fire extinguishers and provision and submission of fire service installations are replaced by condition (g), as the latest fire certificates in Appendix Ia have been accepted by DFS]

Advisory clauses

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

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

the development is not entirely in line with the planning intention of the "OU(LF)" zone which is intended primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub. There is no strong justification to deviate 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 for renewal of the planning 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 11.4.2019 with proposed vehicular access plan, layout plan, vehicle disposition plan, tree preservation plan, supplementary table for on-site structures and fire services layout plan
Appendix Ia	FI received on 23.4.2019 on the certificates of fire service installation and equipment
Appendix Ib	FI received on 17.5.2019 on the proposed operation hours
Appendix II	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)

Appendix III	Relevant extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
Appendix IV	Previous applications covering the site
Appendix V	Similar applications within the same “OU(LF)” zone on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2 since the Promulgation of TPB PG-No. 13E on 17.10.2008
Appendix VI	Advisory Clauses
Drawing A-1	Vehicular access plan
Drawing A-2	Layout Plan
Drawing A-3	Vehicle Disposition Plan
Drawing A-4	Tree preservation plan
Drawing A-5	Supplementary Table for On-site Structures
Drawing A-6	Fire Services Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2019**