

RNTPC Paper No. A/HSK/262  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 4.12.2020

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/262**

- Applicant** : Mr. LAM Kam Pang represented by Metro Planning and Development Company Limited
- Site** : Lots 352 S.C, 352 RP, 480 S.A RP (Part), 480 RP (Part), 481 (Part), 482 (Part) and 483 (Part) in D.D. 124, Ha Tsuen, Yuen Long
- Site Area** : About 1,730 m<sup>2</sup>
- 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
- Zonings** : “Open Space” (“O”) (5.6%);  
“Government, Institution or Community” (“G/IC”) (about 0.6%); and  
[Restricted to a maximum building height of 8 storeys]  
area shown as ‘Road’ (about 93.8%)
- Application** : Proposed Temporary Open Storage of Vehicle Parts and Ancillary Vehicle Repair Workshop for a Period of 1 Year

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of vehicle parts and ancillary vehicle repair workshop for a period of 1 year. The Site mainly falls within an area shown as ‘Road’ (93.8%) with a minor portion straddling over an area zoned “O” (5.6%) and “G/IC” (0.6%) on the approved HSK and HT OZP. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Town Planning Board (the Board). The Site is currently mostly vacant (**Plans A-3 to A-4**).
- 1.2 The Site is related to 15 previous applications for various temporary open storage and vehicle repair workshop uses. The last approved application (No. A/HSK/180) for the same applied use as the current application for 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.9.2019 for a shorter period of 1 year. However,

the planning permission was subsequently revoked on 20.6.2020 due to non-compliance with time-specific approval conditions. Compared with the last approved application, the current application is submitted by the same applicant with the same layout. Details of the previous applications are summarised at paragraph 6 below and at **Appendix III**.

- 1.3 The Site is abutting Shek Po East Road which connects to Hung Chi Road and the ingress/egress point is located at the eastern part of the Site. (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, four temporary structures with a total floor area of not exceeding 328m<sup>2</sup>, including a 8m high single-storey open shed for ancillary vehicle repair workshop use (about 216m<sup>2</sup>), a 6m high 2-storey structure for site office use (about 90m<sup>2</sup>), two 3m single-storey structures for guard room and toilet (about 20m<sup>2</sup> and 2m<sup>2</sup> respectively) are proposed. 4 parking spaces for medium/heavy goods vehicle are also proposed. The remaining areas are for open storage of vehicle parts. According to the applicant, the operation hours of the proposed development are from 8:00 a.m. to 9:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The proposed layout plan, landscape and tree preservation plan and drainage plan are shown at **Drawings A-1 to A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 8.10.2020 (**Appendix I**)
  - (b) Planning Statement (**Appendix Ia**)
  - (c) Supplementary information (SI) received on 12.10.2020 providing fire services installations (FSIs) proposal (**Appendix Ib**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ib**. They can be summarised as follows:

- (a) Land resumption for the development of Hung Shui Kiu New Development Area (HSK NDA) is yet to commence. The proposed development is for 1 year which is temporary in nature and would not jeopardise the long term planning intentions of the “G/IC” and “O” zones and area shown as ‘Road’.
- (b) The adjoining lots are mostly occupied by open storage and port back-up uses. The proposed development is compatible with the surroundings.
- (c) Adequate space for manoeuvring purpose would be provided within the Site, the proposed development will not aggravate the traffic condition of adjoining road network.
- (d) Insignificant environmental and drainage impacts would be generated from the proposed development. The proposed ancillary vehicle repair workshop would be carried out under the open shed and a number of preventive and mitigation

measures are proposed by the applicant including 2.5m high peripheral fencing has been erected and restricting the working hours. Moreover, the applicant will provide the proposed drainage facilities and maintained them at his own expense.

### 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. 31A) by posting site notice and sending notice by registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Background**

Storage use on the Site would be subject to planning enforcement action.

### 5. **Town Planning Board Guidelines**

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

### 6. **Previous Applications**

- 6.1 The Site is involved in 15 previous planning applications (No. A/YL-HT/74, 164, 212, 229, 245, 267, 406, 419, 574, 601, 602, 750, 849, 919 and A/HSK/180) for various open storage and/or vehicle repair workshop uses. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

#### *Rejected Applications (2 Cases)*

- 6.2 Applications No. A/YL-HT/212 and A/YL-HT/750 for temporary vehicle repair workshop use and open storage use were rejected by the Committee on 7.9.2001 and 29.3.2011 respectively mainly for the reasons of not in line with the planning intention of the “O” zone and also the adjoining “Village Type Development” (“V”) zone; no strong planning justification; not in line with the then TPB PG-No. 13E; and setting of undesirable precedent for similar applications within the “V”.

#### *Approved Applications (13 Cases)*

- 6.3 The remaining 13 previous applications (No. A/YL-HT/74, 164, 229, 245, 267, 406, 419, 574, 601, 602, 849, 919 and A/HSK/180) for vehicle park, vehicle repair workshop or open storage uses were approved with conditions by the Committee for a period ranging from 1 to 3 years between 1999 and 2019 mainly

on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later version); approval of the application on a temporary basis would not frustrate the long-term development of the area; not incompatible with the surrounding uses; and the concerns of relevant Government departments could be addressed by imposing approval conditions. However, the planning permissions of applications No. A/YL-HT/164, 229, 574, 601 and A/HSK/180 were subsequently revoked due to non-compliance with time-specific approval conditions.

- 6.4 Application No. A/YL-HT/919 for temporary open storage use with ancillary workshop and heavy goods vehicle loading/unloading bays for 3 years was approved with conditions by the Committee on 14.11.2014 for a period of 1 year. A shorter approval period of one year was granted to monitor the situation of the Site to ensure that the applied use would not generate unacceptable nuisance to the nearby existing/planned residential uses. All the approval conditions had been complied with and the planning permission lapsed on 15.11.2015.
- 6.5 The last application No. A/HSK/180 for the same applied use as the current application was approved with conditions by the Committee on 20.9.2019 for a period of 1 year. A shorter approval period of one year was also granted to monitor the situation of the Site to ensure that the applied use would not generate environmental nuisance to the nearby residential uses (residential houses nearby to the south were under construction at the time of consideration of the application). However, the planning permission was revoked on 20.6.2020 due to non-compliance with approval conditions on implementation of drainage and FSIs proposals. Compared with the last application, the current application is submitted by the same applicant for the same applied use with the same layout.

## **7. Similar Application**

There is no similar application within the same “O” and “G/IC” zones on the current OZP.

## **8. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

8.1 The Site is:

- (a) fenced and mostly vacant; and
- (b) accessible via Shek Po East Road from Hung Chi Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is an open storage of recycling and construction materials; to its further north are some parking of vehicles;
- (b) to the east is Shek Po East Road. Further east is Hung Tin Road; and
- (c) to the south are some parking of vehicles, storage and 5 village houses

under renovation without occupation (the closest one being about 21m away) and a private car park under valid planning permission; to its further southwest are village houses of Shek Po Tsuen and existing residential dwelling, Greenville Park.

## **9. Planning Intention**

The Site mainly falls within an area shown as 'Road'. A comprehensive road network of a primary distributor, eight district distributors and local roads is planned within the OZP boundary to provide convenient connection among various development areas and activity nodes.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarised 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 prior approval of the Government.
- (b) Private Lots 325 S.C, 480 S.A RP, 480 RP and 485 in D.D.124 covered by Short Term Waiver (STW) for the purpose of Temporary Open Storage of Building Materials, Tractors, Trailers, Scrap Motor Vehicles and Scrap Small Speed Boats, Scrap Metals, Cargo Compartments, Construction Machinery, and Scrap Car Components with Ancillary Workshop and 5 Heavy Goods Vehicle Loading/Unloading Bays.
- (c) According to his record, there is no lease modification/land exchange application or building plan submission in relation to commercial development at the Site approved/under processing.
- (d) Should planning approval be given to the subject planning application, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularise any irregularities on site, if any. The STW holders will need to apply to his office modification of the STW conditions where appropriate. 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 Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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

- (a) The access arrangement should be commented by the Transport Department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Shek Po East Road.

### **Environment**

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers in the vicinity of the Site (the closest being about 21m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites”.

### **Drainage**

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

- (a) He has no objection in principle to the application from a drainage

point of view.

- (b) Should the Board be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of his detailed comments at **Appendix VI**.

### **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 existing structures at the Site.
- (b) The applicant should be reminded of his detailed comments at **Appendix VI**.

### **Fire Safety**

10.1.7 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 his satisfaction.
- (b) In consideration of the design/nature of the proposed structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) Having considered the nature of the open storage, an additional approval condition requiring “the provision of fire extinguisher(s) within 6 weeks from the date of planning approval” should be stipulated. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval. The applicant should adhere to the ‘Good Practice Guidelines for Open Storage’ at **Appendix IV**.
- (d) The applicant should be reminded of his detailed comments at **Appendix VI**.

### **Long Term Development**

10.1.8 Comments of Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the application for temporary use for 1 year,

which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.

- (b) However, the Site falls within the boundary of the Hung Shui Kiu/ Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within a site under Second Phase development in the latest programme of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Second Phase development will commence in 2024. In this regard, relevant sites should be returned to the Government by 31.12.2023.

#### **District Officer's Comments**

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

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

#### **Other Aspects**

10.1.10 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) She has no in-principle objection to the application.
- (b) The portion zoned "O" is not on the priority list for development agreed by the Yuen Long District Council. She has no plan to develop the Site into public open space at present.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Director of Electrical and Mechanical Services (DEMS).

### **11. Public Comments Received During Statutory Publication Period**

On 16.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received

from individuals. One of them raised concerns on the application as the proposed development falls within the HSK/HT NDA which will be commenced soon; whilst the other one objected to the proposed development as it would generate more traffic flow that affecting the villagers' safety and living quality (**Appendices V-1 and V-2**).

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of vehicle parts and ancillary vehicle repair workshop for a period of 1 year at a site mainly within an area shown as 'Road' (93.8%) with a minor portion straddling over an area zoned "O" (5.6%) and "G/IC" (0.6%) on the OZP (**Plan A-1**). Whilst the proposed use is not in line with the intention of reserving areas for a comprehensive road network within the HSK/HT NDA to provide convenient connection among various development areas and activity nodes, PM/W, CEDD has no objection to the proposed development for temporary use. Approval of the application on a temporary basis of 1 year 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 Site is mainly surrounded by open storage yard, parking of vehicles intermixed with some residential dwellings (**Plan A-2**), the applied use is not incompatible with the surrounding land uses.

12.3 The Site falls within the HSK/HT NDA. For applications in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses. Applications will normally be rejected unless under exceptional circumstances.

12.4 The applied use is generally in line with the TPB PG-No.13F in that the Site falls within the HSK/HT NDA and a previous planning approval (application No. A/HSK/180) for the same applied use was given. The previous approval was

however subsequently revoked due to non-compliance with time-limited approval conditions on the implementation of drainage and FSIs proposals. For the current application, the applicant has submitted relevant drainage and FSIs proposals (**Drawings A-2 and A-3**) and CE/MN, DSD and D of FS have no in-principle objection to the application. As such, sympathetic consideration may be given to the application. Should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.

- 12.5 Relevant Government departments, including C for T and CE/MN, DSD have no objection to or no adverse comment on the application, except DEP. DEP does not support the application because there are sensitive uses in the vicinity as mentioned in para. 12.2 above. However, it is noted that the village houses to the south of the Site have yet been occupied and no environmental complaint pertaining to the Site was received in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would thus be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also 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 surrounding areas.
- 12.6 The Site is the subject of 13 previous planning approvals for various temporary open storage and/or vehicle repair workshop uses between 1999 and 2019, approval of the application is generally in line with the Committee's previous decision. The last previous application (No. A/HSK/180) submitted by the same applicant with the same layout as the current application was approved with a shorter approval period of one year to facilitate monitoring the situation of the Site to ensure that environmental nuisance would not be generated to the nearby residential uses. Notwithstanding that the nearby village houses to the south of the Site have mostly been completed, they have yet been occupied. Sympathetic consideration may be given to the application.
- 12.7 There are two public comments received during the statutory public inspection period as summarised in paragraph 11 above. The planning considerations and assessments in the above paragraphs are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department considered the proposed temporary open storage of vehicle parts and ancillary vehicle repair workshop could be tolerated for a period of 1 year.

- 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 1 year until **4.12.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (d) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the implementation of the accepted drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.6.2021**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.1.2021**;
- (i) the submission of a fire service installations proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.3.2021**;
- (j) in relation to (i) above, the implementation of the 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 **4.6.2021**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) 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
- (l) if any of the above planning conditions (f), (h), (i) or (j) 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 VI**.

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

the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

**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**

<b>Appendix I</b>	Application form received on 8.10.2020
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	SI received on 12.10.2020 providing a FSIs proposal
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Good Practice Guidelines for Open Storage issued by the Fire Services Department
<b>Appendix V</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Proposed Tree Preservation Proposal
<b>Drawing A-3</b>	Proposed Drainage Proposal
<b>Plan A-1a</b>	Location Plans
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos