

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

APPLICATION NO. A/HSK/263

- Applicant** : Grandway Investment Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 826 S.B RP (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : 3,360 m² (about) (including about 910 m² of GL (about 27%))
- 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** : “Open Space” (“O”)
- Application** : Renewal of Planning Approval for Temporary Vehicle Service Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary vehicle service centre for a further period of 3 years (**Plan A-1a**). The Site falls within an area zoned “O” on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use with a valid planning permission under application No. A/HSK/42 (**Plan A-4**).
- 1.2 The Site is related to 9 previous applications for various temporary car park and vehicle service centre uses (**Plan A-1b**). The last application (No.A/HSK/42) for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 26.1.2018 for a period of 3 years with validity up to 26.1.2021. All the approval conditions have been complied with. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site, and the development parameters and site layout remain unchanged.

- 1.3 The Site is accessible from Ping Ha Road via Yu Yip New Road with the ingress/ egress point at the northern boundary of the Site (**Plan A-2** and **Drawing A-1**). The Site is hardpaved and fenced with 2.5m-high corrugated sheets. The proposed layout plan, landscape and tree preservation plan, as-built drainage plan and fire service installations (FSIs) plan are at **Drawings A-2 to A-5**.
- 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/HSK/42) (a)	Current Application (A/HSK/263) (b)
Applied Use	Temporary Vehicle Service Centre (3 Years)	
Site Area	about 3,360m ²	
Total Floor Area	about 1,218m ²	
No. of Structures	2 (work bay, warehouse, site office, toilet, guardroom)	
No. of Storeys (Building Height)	1-2 storeys (up to 7.6m)	
No. of Parking Spaces	· 16 (for medium/heavy goods vehicle, container tractor and coach) · 4 (for private car)	
Operation Hours	8:00a.m. to 8p.m., Mondays to Saturdays, with 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 12.10.2020 with plans **(Appendix I)**
 - (b) Further Information (FI) received on 20.10.2020 **(Appendix Ia)** confirming no change in layout and providing the proposed FSIs and related certificate
[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 Part 7 of the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The Site is subject to 9 previous planning permissions since 2001. The current application is a renewal application. The applied use, layout and development parameters of the current application are the same as the last planning permission. All the approval conditions under the previous planning permission have been complied with.
- (b) The proposed development conforms with the Town Planning Board Guidelines TPB PG-No. 13F since it is subject to previous planning permissions.
- (c) The proposed development is temporary in nature and would not jeopardize the long term planning intention of the area.
- (d) The proposed development is not incompatible with the surrounding environment including open storage yard and port back-up activities.

- (e) Vehicle service centres near the Site were granted with planning permission. Similar preferential treatment should be granted to the current application.
- (f) There are inadequate of conventional godown and industrial premises for the applied use.
- (g) There are insignificant environmental and noise impacts since the applied use is housed within an enclosed structure and no operation will be held during sensitive hours. There will also be insignificant drainage impact because surface U-channel has been provided at the Site. Minimal traffic impact is expected.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information will be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the Government land portion.

4. Town Planning Board Guidelines

- 4.1 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**.
- 4.2 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. 34C) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is currently covered by a valid planning permission No. A/HSK/42 for temporary vehicle service centre. As such, 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.

6. Previous Applications

- 6.1 The Site is related to 9 previous applications (No. A/YL-HT/172, 382, 581, 630, 696, 867, 902 and 938 and A/HSK/42) for various temporary public car park and vehicle service centre uses. All applications were approved with conditions by the Committee between 2001 and 2018 mainly on grounds that the temporary uses would not jeopardize the long-term planning intention; the development was generally compatible with the surrounding land uses; and the technical concerns could be addressed by appropriate approval conditions. However, three of them (No. A/YL-HT/581, 630 and 867) were subsequently revoked due to non-compliance with the time-specific approval conditions. Details of these applications are at **Appendix IV** and their locations are shown on **Plan A-1b**.

- 6.2 The last application (No. A/HSK/42) submitted by the same applicant for the same applied use as the current application was approved with conditions by the Committee on 26.1.2018 for a period of 3 years with validity up to 26.1.2021. All the approval conditions have been complied with. The layout and development parameters of the current application are the same as the last planning approval. The current application is a renewal application.

7. Similar Application

There is no similar application within the same “O” zone on the HSK & HT OZP.

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

8.1 The Site is:

- (a) being used for the applied use under valid planning permission; and
- (b) accessible from Ping Ha Road via Yu Yip New Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its northwest across Yu Yip New Road is a vehicle park under valid planning permission while to its further north and northwest are a public works regional laboratory and a logistics centre under valid planning permission;
- (b) to the east is Tin Ying Road;
- (c) to its immediate south are two yards for parking of vehicles and trucks and a car service centre, while to its further south and southeast are an open storage yard of vehicles and a vehicle park under valid planning permissions; and
- (d) to its immediate west is Yu Yip New Road while to its southwest is an open storage yard of recycling materials and to its further west is an open storage yard of trailers and workshop.

9. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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 Lot (OSAL) and GL. The OSAL is 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 GL within the Site is about 910m². A portion of GL (about 81m²) in the Site is covered by a Short Term Tenancy No. 2794 (STT) for the purposes of Temporary Vehicle Service Centre. On the other hand, STT application for the remaining GL (about 829m²) in the Site was received in his office. The STT application is under processing and the toleration fee for the remaining GL is charged quarterly.
- (c) The private lot covered by Short Term Waiver (STW) is listed below:

Lot No. in D.D.125	STW No.	Purposes
826 S.B RP	3951	Temporary Vehicle Service Centre

- (d) 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 regularization or erection of temporary structure(s) will be considered. 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 rent 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 Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by Transport Department (TD).
- (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 Ping Ha Road.

Environment

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

- (a) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (b) Should the 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) He has no objection in principle to the development from a drainage point of view.
- (b) The application is for renewal of planning approval of the previous application No. A/HSK/42. According to the applicant's submission, the existing drainage facilities would be maintained.
- (c) Should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and to submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (d) The applicant should be reminded of the detailed comments in **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 the detailed comments in **Appendix VI**.

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 FSIs implemented on the Site being maintained in efficient working order at all times.

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 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 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 lot(s) concerned falls within the sites under Remaining Phase development 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 Remaining Phase development will commence in 2030.

Others

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

- (a) The Site falls within “O” zone on the approved HSK & HT OZP No. S/HSK/2. It is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) He notes that the application period is only three years and has no in-principle objection to the application.

District Officer’s Comments

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

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

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

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

11. Public Comments Received During Statutory Publication Period

On 20.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. The commenters raised concerns/object to the application on reasons that the development will increase traffic flow and pose safety hazards to the villagers, and that that the planned open space should be implemented according to specified timelines instead of approving temporary developments (**Appendices V-1 and 2**).

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning approval for temporary vehicle service centre for a period of 3 years at a site zoned “O” on the approved HSK and HT OZP. The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the applied use is not in line with the planning intention, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD and DLCS have no objection to the temporary use for a period of 3 years at 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 Site is located in an area which is predominantly occupied by vehicle parks, logistics centre and open storage yards. The applied use is not incompatible with the surrounding land uses (**Plan A-2**).

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.

12.4 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals have been given. All approval conditions under the previous application were complied with and the applicant has also submitted FSIs plan and related certificate for this renewal application (**Appendix Ia**). As such, sympathetic consideration may be given to the application.

12.5 The current application is a renewal application of the last approved application (No. A/HSK/42) for three more years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval, and the approval of the application on a temporary basis would not jeopardize the implementation of the zoned use. Compared with the last approved

application No. A/HSK/42, the current application is submitted by the same applicant with the same layout and development parameters for the same approval period, and all the approval conditions under previous application were complied with. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.

- 12.6 There is no adverse comment from concerned Government departments. In addition, there has not been any environmental complaint pertaining to the Site in the past three years. Furthermore, relevant approval conditions have been recommended in paragraph 13.2 to address the possible environmental nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the 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 3 previous applications for the same use at the Site (**Plan A-1b**). Approval of the current application is in line with the Committee's previous decisions.
- 12.8 There are two public comments received on the application during the statutory publication period as summarised in paragraph 11. 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 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the renewal of planning approval for temporary vehicle service centre could be tolerated 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 of 3 years and be renewed from 27.1.2021 to 26.1.2024. 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 8:00 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) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (d) no vehicle spraying activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the existing landscape planting on the Site shall be maintained at all time during the planning approval period;
- (h) the existing fire services installations shall be maintained in efficient working order at all times during the planning approval period;
- (i) the submission of a condition record of 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 **27.4.2021**;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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
- (k) if the above planning condition (i) 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.

*[Conditions (a), (b), (c), (d), (e), (f), (g) and (i) are all the same as the previous Application No. A/HSK/42 while the previous conditions on submission and provision of fire service installations are replaced by condition (h), as the FSIs have been accepted by D of FS and fire certificates issued (**Appendix Ia**)]*

Advisory clauses

The recommended advisory clauses are 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 applied use is not in line with the planning intention of the "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning 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.
- 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 12.10.2020 with plans
Appendix Ia	FI received on 20.10.2020 confirming no change in layout and providing the proposed FSIs and related certificates
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
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. 34C)
Appendix IV	Previous applications covering the Site
Appendices V-1 and 2	Public Comments
Appendix VI	Advisory clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	Proposed Fire Service Installations Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**