

RNTPC Paper No. A/HSK/267  
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/267**

- Applicant** : Mr. YU Shuang Xi represented by Mr. YEUNG Yau Sing
- Site** : Lot 157 (Part) in D.D. 127, Hung Uk Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 660 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
- Zoning** : “Village Type Development” (“V”)  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Vehicle Service Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary vehicle service centre for a period of 3 years. The Site falls within “V” zone 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 vehicle repair workshop without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kiu Hung Road via a local track (**Plans A-2 and A-3**). The proposed temporary vehicle service centre would comprise 4 structures with a total floor area of about 348m<sup>2</sup>, including a shed (5.5m high, 270m<sup>2</sup>) for vehicle repair workshop, a 2-storey container-converted structure (4.8m high, floor area of 28.8m<sup>2</sup>) for office and storage uses, and 2 single storey structures (both 2.4m high) for kitchen (6m<sup>2</sup>) and storage (14.4m<sup>2</sup>) and (**Drawing A-2**). According to the applicant, the shed will be used for vehicle repairing workshop and shelter uses, and the storeroom will be used for storage of vehicle parts and car repairing tools. The site office cum store room is for the storage of car repairing tools and office uses, while the proposed kitchen is intended to serve the staff and also as a

resting area. The applicant states that the service on the Site will only be provided to light vehicles, including private cars and taxis. No heavy vehicle will enter the Site. There will also be no paint spraying and car washing activity in the Site. The operation hours of the proposed development will be from 9:00 am to 5:00 pm on Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed vehicular access plan and site layout plan are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application form received on 15.10.2020 (Appendix I)
- (b) Supplementary information (SI) received on 21.10.2020 for clarifying background information of the Site (Appendix Ia)

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

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

- (a) The Site was previously vacant and dumped with garbage causing environmental pollution. The proposed development aims to serve the local residents for purchasing insurances, license fees and repairing vehicles.
- (b) Sufficient manoeuvring space would be provided within the Site. No vehicle is allowed to queue back to public roads or reverse onto/from public roads.
- (c) No heavy goods vehicle and container vehicle will be allowed to enter the Site. The proposed development provides car services to light vehicles including private cars and taxis only.

## 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 to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Background**

The Site is currently used as storage and workshop which would be subject to planning enforcement action.

## **5. Previous and Similar Application**

The Site is not subject to any previous application. There is also no similar application within the subject “V” zone on the OZP.

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

6.1 The Site is:

- (a) fenced and occupied by some temporary structures currently used as a car repairing workshop without valid planning permission; and
- (b) accessible via a local track from Kiu Hung Road.

6.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and northwest are some vehicle workshops and open storage yards of construction materials and vehicles;
- (b) to the immediate east are village houses, including Hung Uk Garden;
- (c) to the immediate south are some parking of vehicles; further south are some vacant land; and
- (d) to the immediate west are some village houses, including Flowery Garde, and open storage yard.

## **7. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

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

### **Land Administration**

8.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department

(DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lot (OSAL) 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) According to his record, there is no lease modification/land exchange application or building plan submission in relation to any development at the Site approved/under processing.
- (c) Should planning approval be given to the subject planning application, the lot owner(s) of the lot will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application or regularization or erection of temporary structures 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 premium or fee, as may be imposed by LandsD.
- (d) There are no small house applications approved/under processing within the Site. There is 1 small house application received/ under processing in the vicinity of the Site. There are 21 small house applications approved in the vicinity of the Site.

### **Traffic**

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

- (a) He has no adverse comment to 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.
- (c) The local track leading to the Site is not under Transport Department (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.

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

- (a) The access arrangement should be commented by 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 Kiu Hung Road.

### **Environment**

#### 8.1.4 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 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**

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

- (a) He has no objection in principle to the proposed 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 submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

### **Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (b) The applicant should be reminded of his detailed comments at **Appendix III**.

### **Fire Safety**

#### 8.1.7 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) The applicant should be reminded of his detailed comments at **Appendix III**.

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

#### 8.1.8 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.

#### 8.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);  
and
- (b) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD).

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

On 23.10.2020, 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 raising objection to the application for reasons that the proposed development is not in line with the planning intention of "V" zone, and the proposed vehicle service centre would increase the traffic flow and environmental pollution in the area. They also raised concerns on pedestrian safety and quality of life of the villagers (**Appendices II-1 to II-2**).

## **10. Planning Considerations and Assessments**

10.1 The application is for temporary vehicle service centre, which include vehicle repair workshop use, storage of vehicle parts and car repairing tools, and vehicle related service trade uses, for a period of 3 years at a site zoned "V" on the OZP (**Plan A-1**). The planning intention of the "V" zone is to reflect existing

recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. The proposed use is not in line with the planning intention of “V”. There is no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis.

- 10.2 The Site is situated in an area predominated by residential dwellings within the “V” zone of Hung Uk Tsuen to its immediate east, south and west (the nearest domestic use is located about 1m to the northeast of the Site) (**Plan A-2**). Although there are open storage yards and workshops in the vicinity of the Site, they are suspected unauthorised developments subject to enforcement actions by the Planning Authority. The applied use, which mainly involves vehicle repairing with about 80% of the floor areas proposed for vehicle repairing and storage of vehicle parts and repairing tools, is akin to a vehicle repair workshop use and is considered not compatible with the surrounding environment.
- 10.3 Relevant departments consulted, including DEP, CE/MN, DSD and D of FS, have no objection to or adverse comment on the application.
- 10.4 There is no previous application for vehicle repair workshop or other use at the Site and there has not been any planning approval for similar use in the subject “V” zone, approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.
- 10.5 There are two public comments objecting to the application mainly on environmental, traffic and land use planning grounds as summarised in paragraph 9 above. The above planning considerations and assessments are relevant.

## **11. Planning Department’s Views**

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9, the Planning Department does not support the application for the following reason:

the applied use is not in line with the planning intention of the “V” zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis.

- 11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis of 3 years until 4.12.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 5:00 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 paint spraying or car washing activity, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (f) the submission of a drainage proposal within **6** months from the date of 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 implementation of the drainage proposed within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.9.2021;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.6.2021;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.9.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) 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
- (l) if any of the above planning conditions (f), (g), (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; and



Advisory clauses

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

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 12.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application form received on 15.10.2020
<b>Appendix Ia</b>	SI received on 21.10.2020
<b>Appendices II-1 and II-2</b>	Public Comments
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2020**