

RNTPC Paper No. A/KTN/40A
 For Consideration by the
 Rural and New Town Planning
Committee on 26.1.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KTN/40

<u>Applicant</u>	Auto Power Towing Canton HK Co. Ltd.
<u>Site</u>	Lots 759 S.A, 759 RP (Part), 761 S.A, 761 S.C (Part), 762 S.A and 762 S.C (Part) in D.D. 95 and Adjoining Government Land, Ho Sheung Heung Road, Kwu Tung, Sheung Shui, New Territories
<u>Site Area</u>	6,044 m ² (including 754.5 m ² of Government land)
<u>Lease</u>	Old Schedule Lots held under Block Government Lease (demised for agricultural use) and under Short Term Waivers (STW) Nos. 1477 and 1478 both for the purposes of a vehicle repair workshop; and The adjoining Government land within the Site under Short Term Tenancy (STT) No. 1352 for the purpose of open storage and facilities ancillary to the vehicle repair workshop
<u>Plan</u>	Approved Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/2
<u>Zoning</u>	"Residential (Group A)1" ("R(A)1"), "Residential (Group A)3" ("R(A)3"), "Other Specified Uses" annotated "Business and Technology Park" ("OU(Business and Technology Park)") and 'Road'
<u>Application</u>	Renewal of Planning Approval for Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary vehicle repair workshop (including container vehicle repair yard) for a period of 3 years at the application site (the Site) within an area zoned "R(A)1", "R(A)3", "OU(Business and Technology Park)" and an area shown as 'Road' on the approved Kwu Tung North OZP No. S/KTN/2 (**Plan A-1**). The Site is currently used for the applied use with planning permission granted under Application No. A/KTN/10. The planning permission is valid until 6.2.2018 and all approval conditions have been complied with.

- 1.2 The major development parameters under the current application are the same as the previous approved application No. A/KTN/10 and are summarized as follows:

Site Area	6,044 m ²
Total Gross Floor Area	1,600 m ² (about)
- Vehicle repair workshop	1,212 m ²
- Office	192 m ²
- Latrine, kitchen, store room and fire service pump room in 5 structures (Drawing A-1)	196 m ²
Maximum Building Height	5.7 m
No. of parking spaces (Drawing A-2)	- 20 (for parking of private cars and light goods vehicles, including 4 for visitors) - 16 (for stationery private cars, light and medium goods vehicles)
Number of loading/unloading spaces	1

- 1.3 The proposed layout under the current application is the same as the previous application No. A/KTN/10. The Site is accessible via Ho Sheung Heung Road. According to the applicant, the operating hours of the vehicle repair workshop are from 8:00a.m. to 8:00p.m., and no operation on Sundays and statutory holidays. The workshop is for repairing of vehicles after accident which takes several weeks to two months to complete. The number of vehicle to and from the Site per day is about 10 to 20 and the traffic flow is very low. The traffic impacts to the surrounding roads are low. Loading/unloading and manoeuvring of vehicles are within the Site. The applicant has reminded the drivers not to reverse at the surrounding roads and not to park their vehicles at the pedestrian walkways outside the Site. In view of the traffic congestion in the North District, the applicant has reminded the drivers to use another route through Fanling Highway and avoid using the busy roads and junctions in the North District. The layout plan and vehicle parking arrangement plan submitted by the applicant are at **Drawings A-1** and **A-2**.

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

- (a) Application form with attachments received on (**Appendix I**)
24.10.2017
- (b) Supplementary information received on 26.10.2017 (**Appendix Ia**)
- (c) Further information (FI) received on 6.12.2017 (**Appendix Ib**)
(accepted and exempted from publication and
recounting requirements)
- (d) FI received on 8.1.2018 (**Appendix Ic**)
(accepted and exempted from publication and
recounting requirements)

- 1.5 The application was originally scheduled for consideration by the Committee on 22.12.2017. On 22.12.2017, the Committee agreed to defer a decision on the application as requested by the applicant to allow time for the applicant to prepare FI to address departmental comments. On 8.1.2018, the FI submitted by the applicant was received. The application is rescheduled for consideration by the Committee at this meeting on 26.1.2018.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 8 of the Application Form at **Appendix I** and supplementary information at **Appendices Ib to Ic**. They are summarized as follows:

- (a) the applicant hopes that planning approval can be granted for 3 years so that the staff of the company can continue the operation and would not be unemployed; and
- (b) the workshop has been operating on the Site for 15 years and no complaint regarding usage of road has been received.

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

The applicant is not the 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 sending notice to the current land owners by local registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not the subject of any enforcement case.

5. Town Planning Board Guidelines

Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Uses or Development (TPG PG-No.34B) are relevant to the application. The relevant assessment criteria are summarized below:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are many adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

6. Previous Applications

- 6.1 The Site is involved in 11 previous applications (Nos. A/NE-KTN/52, A/NE-KTN/57, A/NE-KTN/81, A/NE-KTN/87, A/NE-KTN/100, A/NE-KTN/117, A/NE-KTN/134, A/NE-KTN/145, A/NE-KTN/160, A/NE-KTN/178 and A/KTN/10). The former 9 previous applications were considered under the zoning of "Industrial (Group D)" ("I(D)"). The last 2 applications Nos. A/NE-KTN/178 and A/KTN/10 were considered under the current zonings of "R(A)1", "R(A)3", "OU(Business and Technology Park)" and 'Road'. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.
- 6.2 Application No. A/NE-KTN/52 for temporary container trailer/tractor park and vehicle repair workshop, application No. A/NE-KTN/57 for industrial use (inspection and handling of recyclable material) and application No. A/NE-KTN/81 for temporary container trailer park and open storage of containers were approved with conditions by the Committee in 1997, 1998 and 2001 respectively on considerations that the uses under applications were generally in line with the planning intention of the "I(D)" zone; the uses were not incompatible with the surrounding area and would not have adverse environmental and drainage impacts.
- 6.3 Applications Nos. A/NE-KTN/87, A/NE-KTN/100, A/NE-KTN/117, A/NE-KTN/134, A/NE-KTN/145, A/NE-KTN/160 for temporary vehicle repair workshop were approved with conditions by the Committee between 2002 and 2013 on similar considerations of the previous applications and the previous planning permissions for similar uses were granted and there was no change in planning circumstance.
- 6.4 Application No. A/NE-KTN/178 for renewal of planning approval for temporary vehicle repair workshop (including container vehicle repair yard) for a period of 1 year was approved with conditions by the Committee on 7.2.2014 (when the Site had been rezoned to current zonings of "R(A)1", "R(A)3", "OU(Business and Technology Park)" and 'Road') on considerations that although the applied use was not in line with the planning intention of the area, the application on a temporary basis would not frustrate the long-term planning intention; there was no major adverse departmental comments; appropriate approval conditions were recommended to address environmental concern; and the planning conditions under the previous approval (application No. A/NE-KTN/160) had been complied with, and was unlikely to have significant adverse traffic, drainage and landscape impacts on the surrounding area.
- 6.5 Application No. A/KTN/10 for temporary vehicle repair workshop (including container vehicle repair yard) was approved with conditions by the Committee on 6.2.2015 on similar considerations of the previous permission. The applicant has complied with all the approval conditions. The planning permission is valid until 6.2.2018.

7. Similar Application

There is no similar application within/partly within the same "R(A)1", "R(A)3" and

“OU(Business and Technology Park)” zones and an area shown as ‘Road’.

8. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3, A-4a and A-4b)

8.1 The Site is:

- (a) fenced off and currently occupied by a vehicle repair workshop (including container vehicle repair yard) ; and
- (b) accessible from Ho Sheung Heung Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the north-west of the Site across Ho Sheung Heung Road is the MTR Core Store;
- (b) to its east are a wine factory, a marble workshop and some domestic structures;
- (c) to its south and south-east are several domestic structures, sauce factories and a bean curd factory;
- (d) to its south-west is a vacant school site; and
- (e) to its immediate west are several domestic structures and fallow agricultural land.

9. Planning Intentions

9.1 The planning intention of “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

9.2 The planning intention of the “OU(Business and Technology Park)” zone is primarily for medium-density development to provide a mix of commercial, office, design, research and development uses for promoting high technology business development.

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/ North, Lands Department (DLO/N,

LandsD):

- (a) the Site comprises Lots Nos. 759 S.A, 759 RP (Part), 761 S.A, 761 S.C (Part), 762 S.A and 762 S.C (Part) in D.D. 95 and the adjoining Government land. The lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The lots are covered by Short Term Waivers (STW) Nos. 1477 and 1478 both for the purposes of a vehicle repair workshop while the Government land within the Site is covered by Short Term Tenancy (STT) No. 1352 for the purpose of open storage and facilities ancillary to the vehicle repair workshop;
- (b) the actual occupation area does not tally with the Site nor the STW/STT boundary. It is noted that there are structures erected within the Site. Although the total built-over area of the structures is within the development parameters mentioned in the application, it is noted that total built-over area is larger than the permitted one under respective STWs and STT. The aforesaid structures are not acceptable under the Leases concerned and his office reserves the right to take necessary lease enforcement and land control actions against the aforesaid structures. Meanwhile, applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements; and
- (c) if the planning application is approved, the owners of the lots concerned shall apply to his office for regularization of STW and STT covering all the actual occupation area. The application for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If they are approved, their commencement dates would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of fee/rental and administrative fees as considered appropriate by his office.

Traffic

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

he cannot offer his support to the application at this stage from traffic management viewpoint. In view of the recent traffic condition on roads in the North District, the applicant should provide the traffic impact generated from the development to Castle Peak Road – Chau Tau, Ho Sheung Heung Road and road network of the Sheung Shui District. The applicant did not provide the traffic impact assessment. Without such information, he could not advise if the applicant's proposed mitigation measures, i.e. proposed routing, is possible; indeed, the applicant did not mention how to control the drivers to use such routing too. Also, there is no information on the vehicular access and manoeuvring arrangement.

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

The section of Ho Sheung Heung Road adjacent to the Site is under Highways Department's (HyD) maintenance purview. However, part of the existing vehicular access between Ho Sheung Heung Road and the Site falls on unallocated Government land (UGL) which is outside HyD's maintenance purview. The applicant is required to sort out the maintenance responsibility of the affected UGL with DLO/N.

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

He has no objection in principle subject to there being no activities in any form, whatsoever associated with Parallel Trading/General Merchandise Operations (GMO) activities.

Future Development

10.1.5 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

He has no comment on the application from the project interface point of view. The Site falls within the Remaining Packages of Kwu Tung North New Development Area (NDA) project, which is planned to commence in 2023, the earliest.

Environmental

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

- (a) he does not support the application as there are sensitive uses in the vicinity of the Site (the nearest domestic structures are in the south-east and west of the Site). Environmental nuisance to nearby residents is anticipated;
- (a) there is no environmental complaint case related to the Site since 2015 to September 2017; and
- (c) the applicant is advised to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Landscape Aspect

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

- (a) he has no objection from the landscape planning perspective;

- (b) the Site, which falls within the Kwu Tung North NDA, is the subject of a previously approved application (No. A/KTN/10) in 2015 for the same use for a period of 3 years, and to which he had no objection from the landscape planning perspective;
- (c) the application is seeking renewal for the same use for a period of 3 years. Compared the aerial photo of 2015 (under previous application) and the latest aerial photo of 2017, the landscape setting in the area remains mostly the same. The area is of rural landscape character with mixed uses including open storages, container park, temporary structures and scattered trees. His site record dated 14.11.2017 noted that the Site is in operation as a vehicle repair workshop and surrounded by temporary structures. Thus, the proposed continuous use is not incompatible with the surrounding environment and adverse landscape impact is not anticipated. It is also noted that the existing trees planted under previous approval condition are retained on site but in general requires proper tree maintenance. One tree at the northwestern corner is dead and requires tree replacement; and
- (d) should the application be approved, approval conditions requiring replacement of the dead tree within 3 months; and maintenance of all trees in good condition, including tree replacement, throughout the approval period are recommended.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of Fire Services Department; and
- (b) Emergency Vehicular Access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

Drainage

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

- (a) he has no objection in principle to the application from the public drainage point of view;
- (b) the Site is in an area where no public sewer connection is available;
- (c) should the application be approved, the following conditions should be included to request the applicant to:
 - (i) submit a condition record of the existing drainage facilities

implemented on the same site in the last planning application No. A/KTN/10 to the satisfaction of DSD or of the Board within three months. The condition record shall include clear photos showing the current conditions of the existing drainage facilities; and

- (ii) maintain these existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective to the satisfaction of the DSD or of the Board.

Building Matters

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

- (a) if the existing structures are erected on leased land without approval of Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application;
- (b) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (c) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (d) in connection with (b) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building(Planning) Regulations respectively; and
- (e) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

District Officer's Comments

10.1.11 Comment of the District Officer/North, Home Affairs Department (DO/N, HAD):

he has consulted the locals from 8.11.2017 to 21.11.2017. The Chairman of Sheung Shui District Rural Committee (SSDRC), the Resident Representatives (RRs) of Kwu Tung (North) and Kwu Tung (South) had no

comments on the application. The North District Council (NDC) member of the subject Constituency objected to the application mainly on the grounds that the road next to the Site is busy and the road is narrow. Vehicle-pedestrian conflicts often occur, which may cause traffic accidents easily. Approval of the application will worsen the problem.

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

- (a) Chief Engineer/Construction Session, Water Supplies Department (CE/C, WSD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (e) Chief Estate Surveyor/Acquisition, Lands Department (CES/A, LandsD).

11. Public Comments Received During Statutory Publication Period

On 31.10.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 21.11.2017, 1 public comment from general public was received (**Appendix III**) objecting to the application mainly on the grounds that the existing road traffic in Ho Sheung Heung has already reached its maximum capacity. If there is any further increase in traffic flow of heavy vehicles, the traffic capacity would be exceeded. The applicant should further discuss with respective Village Representatives and Rural Committee on the traffic condition.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary vehicle repair workshop for a period of 3 years. The Site falls within "R(A)1", "R(A)3", "OU(Business and Technology Park)" and an area shown as 'Road' on the approved Kwu Tung North OZP No. S/KTN/2 (**Plan A-1**). The applied use is not in line with the planning intention of the zonings above. However, the Site falls within the Remaining Packages of Kwu Tung North NDA project, which is planned to commence in 2023 the earliest. PM/N, CEDD has no comment on the application from the project interface of view. In view of the above, approval of the application on a temporary basis would not jeopardize the long-term development of the concerned zonings on the OZP.

12.2 The applied use is not incompatible with the existing surrounding land uses which comprise mainly factories, workshop, MTR Core Store and fallow agricultural land intermixed with some domestic structures. The renewal of planning permission will unlikely have significant adverse drainage and landscape impact on the surrounding areas. CE/MN, DSD and CTP/UD&L, PlanD have no adverse comment on the application. Although DEP does not support the application as there are sensitive uses near the Site, there is no environmental complaint received in the past 3 years. However, C for T cannot offer his support to the application at this stage from traffic management viewpoint. The applicant submitted further information (**Appendices Ib and Ic**) on traffic flow, on-site parking, loading/unloading and vehicle routes.

However, in view of the recent traffic condition on roads in the North District, the applicant should provide the traffic impact generated from the development to the Castle Peak Road – Chau Tau, Ho Sheung Heung Road and road network of the Sheung Shui District. Without such information, TD could not advise if the applicant's proposed mitigation measures, i.e. proposed routing, is possible. The applicant failed to demonstrate that the traffic impacts of renewing the planning approval are acceptable.

- 12.3 The Site is involved in 11 previous applications (**Plan A-1**), 1 for industrial use (inspection and handling of recyclable material) and the other 10 applications for temporary uses including temporary container trailer/tractor park and temporary vehicle repair workshop. 9 previous applications were approved when the Site was zoned "I(D)" and 2 were approved when the Site is under the current zonings. They were approved mainly on considerations that the applied use was not incompatible to the surrounding land uses; would not frustrate the long-term planning intention of the area; would not have adverse significant environmental and drainage impacts; and there was no adverse comment from Government departments including TD. The applicant has complied with all approval conditions under the current planning permission (application No. A/KTN/10). However, for the subject application, in view of recent traffic conditions in the North District during peak hours, TD cannot offer support to the application as the applicant failed to demonstrate that the traffic impact of renewing the planning approval are acceptable. The planning circumstance of the subject application is different from the previous approved applications.
- 12.4 There are 1 local objection as conveyed by DO(N) and 1 public comment objecting to the application mainly on the grounds of pedestrian safety and adverse traffic impacts to the area. Relevant Government departments' comments and planning considerations set out in paragraphs 12.1 to 12.3 above 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 in paragraphs 10.1.11 and 11, the Planning Department does not support the application for the following reason:

the applicant fails to demonstrate that the applied development would not cause adverse traffic impact on its surrounding areas and the North District.

- 13.2 Alternatively, 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 7.2.2018 until **6.2.2021**. The following conditions of approval and advisory clauses are also suggested for Member's 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 statutory holidays, as proposed by the applicant,

is allowed on the Site during the planning approval period;

- (c) the existing peripheral fencing on the Site should be maintained at all times during the planning approval period;
- (d) no parking and reverse movement of vehicles should be allowed on public road outside the Site at all times during the planning approval period;
- (e) the existing trees on the Site shall be maintained in good condition at all times during the planning approval period;
- (f) the maintenance of the existing drainage facilities within the Site properly at all times during the planning approval period;
- (g) the replacement of the dead tree on the Site within 3 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.5.2018;
- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.8.2018;
- (i) the submission of fire service installations and water supplies for fire fighting proposals within 6 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.8.2018;
- (j) in relation to (i) above, the implementation of fire service installations and water supplies for fire fighting proposals within 9 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.11.2018;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (l) if any of the above planning conditions (g), (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.

[Except for the new condition (g), other approval conditions are similar to those under the previous application No. A/KTN/10.]

Advisory clauses

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 with attachments received on 24.10.2017
Appendix Ia	Supplementary information received on 26.10.2017
Appendix Ib	FI received on 6.12.2017
Appendix Ic	FI received on 8.1.2018
Appendix II	Previous Applications
Appendix III	Public Comment
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Plan showing the car parking arrangement within the Site
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

PLANNING DEPARTMENT
JANUARY 2018

**Appendix II of
RNTPC Paper No. A/KTN/40A**

Previous Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTN/52	Temporary Container Trailer/Tractor Park and Vehicle Repair Workshop for a Period of 12 Months	5.12.1997	A2, A4 & A9
A/NE-KTN/57	Industrial Use (Inspection and Handling of Recyclable Material)	28.8.1998	A2, A4, A7, A8 & A10
A/NE-KTN/81	Temporary Container Trailer Park and Open Storage for a Period of 3 Years	23.11.2001 (permission was revoked on 23.2.2002)	A2, A4, A7 & A12
A/NE-KTN/87	Temporary Vehicle Repair Workshop for a Period of 3 Years	12.4.2002	A2, A4, A7 & A8
A/NE-KTN/100	Temporary Vehicle Repair Workshop for a Period of 3 Years	16.5.2003	A3 & A5
A/NE-KTN/117	Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years	19.5.2006	A3, A5 & A10
A/NE-KTN/134	Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years	8.5.2009 (permission was revoked on 8.11.2009)	A3, A5 & A6
A/NE-KTN/145	Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years	13.1.2012 (permission was revoked on 2.7.2012)	A1, A2, A5, A6 & A7
A/NE-KTN/160	Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years	8.2.2013	A1, A2, A5, A6 & A7
A/NE-KTN/178	Renewal of Planning Approval for Temporary "Vehicle Repair Workshop (including Container Vehicle Repair Yard)" for a Period of 1 Year	7.2.2014	A1, A2, A5, A6, A7 & A11
A/KTN/10	Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years	6.2.2015	A1, A3, A5, A6, A7 & A11

Approval Conditions:

- A1 No night-time operation between 8 p.m. and 8 a.m and no operation on Sundays and public holidays
- A2 The submission and implementation of landscaping and/or tree preservation proposals
- A3 Landscape plantings on the site shall be maintained
- A4 The provision of drainage facilities
- A5 The drainage facilities on the site should be maintained and/or the submission of a condition record of the existing drainage facilities
- A6 The provision of proposals of water supplies for fire fighting and fire service installations
- A7 The provision/maintenance of boundary fencing
- A8 The provision of environmental mitigation proposals
- A9 The provision of vehicular ingress/egress
- A10 The provision of car-parking and loading/unloading spaces, vehicle manoeuvring area and vehicular access
- A11 No parking and reverse movement of vehicles should be allowed on public road outside the site at any time
- A12 No stacking of containers should be allowed on the site

Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the actual occupation area does not tally with the Site nor the Short Term Wavier (STW)/Short Term Tenancy (STT) boundary. It is noted that there are structures erected within the Site. Although the total built-over area of the structures is within the development parameters mentioned in the application, it is noted that total built-over area is larger than the permitted one under respective STWs and STT. The aforesaid structures are not acceptable under the Leases concerned and his office reserves the right to take necessary lease enforcement and land control actions against the aforesaid structures. Meanwhile, applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements;
 - (ii) the owners of the lots concerned shall apply to his office for regularization of STW and STT covering all the actual occupation area. The application for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If they are approved, their commencement dates would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of fee/rental and administrative fees as considered appropriate by his office;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that part of the existing vehicular access between Ho Sheung Heung Road and the Site falls on unallocated Government land (UGL) which is outside HyD's maintenance purview. The applicant is required to sort out the maintenance responsibility of the affected UGL with DLO/N;
- (c) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (d) to note the comments of the Chief Town Planner/Urban Design & Landscape, PlanD that the existing trees planted under previous approval condition in general require proper tree maintenance. One tree at the northwestern corner is dead and requires tree replacement;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
 - (i) if the existing structures are erected on leased land without approval of Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/ open sheds as temporary

buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (iv) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Building (Planning) Regulations 5 and 41D of the Building(Planning) Regulations respectively;
 - (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development density shall be determined under Regulation 19(3) of the Building(Planning) Regulation at the building plan submission stage; and
- (f) to note the comments of the Director of Fire Services (D of FS) that Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

Extract of minutes of the RNTPC Meeting held on 26.1.2018

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Agenda Item 22Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/40 Renewal of Planning Approval for Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years in “Residential (Group A) 1”, “Residential (Group A) 3” and “Other Specified Uses” annotated “Business and Technology Park” Zones and an area shown as ‘Road’, Lots 759 S.A, 759 RP (Part), 761 S.A, 761 S.C (Part), 762 S.A and 762 S.C (Part) in D.D. 95 and Adjoining Government Land, Ho Sheung Heung Road, Kwu Tung, Sheung Shui
(RNTPC Paper No. A/KTN/40A)

82. The Secretary reported that the application site was located in Kwu Tung. Dr C.H. Hau had declared an interest on the item as he owned a property in Ho Sheung Heung, Kwu Tung North. The Committee agreed that as the property of Dr C.H. Hau did not have a direct view of the application site, he could stay in the meeting.

Presentation and Question Sessions

83. Ms S.H. Lam, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) renewal of planning approval for temporary vehicle repair workshop (including container vehicle repair yard) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) did not support the application from traffic management viewpoint. In view of the recent traffic condition on road in the North District, as the applicant did not provide a Traffic Impact Assessment (TIA), it was not possible for

C for T to advise whether the applicant's proposed mitigation measures were feasible. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site. Environmental nuisances to nearby residents were anticipated;

- (d) during the first three weeks of statutory public inspection period, one objecting public comment from an individual was received. According to the District Officer/North, Home Affairs Department, the Resident Representatives of Kwu Tung (North) and Kwu Tung (South) had no comment on the application. The North District Council member of the subject constituency objected to the application. Major objection grounds were set out in paragraphs 10.1 and 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Residential (Group A)1”, “Residential (Group A)3” and “Other Specified Uses” annotated “Business and Technology Park” zones, but approval of the application on a temporary basis would not jeopardize the long-term development of the concerned zonings on the OZP. However, C for T did not support the application from traffic management viewpoint, as the applicant failed to demonstrate that renewing the planning approval would not cause adverse traffic impact. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

84. Members had no question on the application.

Deliberation Session

85. A Member was doubtful whether the traffic mitigation measures proposed by the applicant were viable. Members noted that those mitigation measures were merely an elaboration by the applicant without the support of a TIA.

86. In response to a Member's concern, the Chairman said that in view of the recent traffic condition in the North District during peak hours, C for T could not offer support to the application. The planning circumstance of the subject application had changed since previous applications were approved.

87. A Member said that normally sympathetic consideration would be given to renewal application. However, since there was a change in planning circumstance in the traffic conditions and the applicant failed to demonstrate that the traffic impact arising from renewing the planning approval was acceptable, the application should not be approved.

88. Mr Ricky W.K. Ho, Chief Traffic Engineer/New Territories East, Transport Department (CTE/NTE, TD) added that the traffic problem and change in circumstances were acknowledged by the applicant. The applicant's proposed alternative route had been reviewed but TD considered that insufficient information was given in the renewal application to substantiate whether the alternative route could alleviate the traffic congestion problem. While a complicated and extensive TIA was not required, the applicant should submit relevant information and relevant data to support the application.

89. After deliberation, the Committee decided to reject the application. The reason was:

“the applicant fails to demonstrate that the applied development would not cause adverse traffic impact on its surrounding areas and the North District.”

Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the actual occupation area does not tally with the Site nor the Short Term Wavier (STW)/Short Term Tenancy (STT) boundary. It is noted that there are structures erected within the Site. Although the total built-over area of the structures is within the development parameters mentioned in the application, it is noted that total built-over area is larger than the permitted one under respective STWs and STT. The aforesaid structures are not acceptable under the Leases concerned and his office reserves the right to take necessary lease enforcement and land control actions against the aforesaid structures. Meanwhile, applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements;
 - (ii) the owners of the lots concerned shall apply to his office for regularization of STW and STT covering all the actual occupation area. The application for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If they are approved, their commencement dates would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of fee/rental and administrative fees as considered appropriate by his office;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that part of the existing vehicular access between Ho Sheung Heung Road and the Site falls on unallocated Government land (UGL) which is outside HyD's maintenance purview. The applicant is required to sort out the maintenance responsibility of the affected UGL with DLO/N;
- (c) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (CoP) issued by the Director of Environmental Protection;
- (d) to note the comments of the Chief Town Planner/Urban Design & Landscape, PlanD that the existing trees planted under previous approval condition in general require proper tree maintenance. One tree at the northwestern corner is dead and requires tree replacement;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
 - (i) if the existing structures are erected on leased land without approval of Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized Building Works (UBW). An

Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (iv) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Building (Planning) Regulations 5 and 41D of the Building(Planning) Regulations respectively;
- (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development density shall be determined under Regulation 19(3) of the Building(Planning) Regulation at the building plan submission stage;
- (f) to note the comments of the Director of Fire Services (D of FS) that Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (g) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.