

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

**APPLICATION NO. A/HSK/309**

- Applicant** : China Success Management Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 3138 RP (Part), 3139 (Part), 3141 (Part), 3142, 3143 (Part), 3144 (Part), 3145, 3146, 3148 RP, 3149 RP, 3190 RP, 3198 S.B and 3200 RP (Part) in D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,510 m<sup>2</sup> (including GL of about 105 m<sup>2</sup> (or 3%))
- 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** : “Commercial (4)” (“C(4)”) (about 26%); and  
*[restricted to a maximum plot ratio of 3 and a maximum building height of 50 mPD]*  
  
an area shown as ‘Road’ (about 74%)
- Application** : Temporary Vehicle Service Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning approval to use the application site (the Site) for temporary vehicle service centre for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “C(4)” (26%) and shown as ‘Road’ (74%) on the approved HSK and HT OZP. According to the covering Notes of the OZPs, temporary use not exceeding a period of three years 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 without valid planning permission (**Plan A-4**).
- 1.2 The Site is related to 2 previous applications for temporary vehicle service centre use (**Plan A-1**). The last application No. A/HSK/28 for the same applied use was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 8.12.2017. All time-limited approval conditions have been complied with. However, the planning approval lapsed on 9.12.2020.

- 1.3 The Site is located near the junction of Fung Kong Tsuen Road and Lau Fau Shan Road with the ingress/egress directly abutting Lau Fau Shan Road (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, the ingress/egress is located at the eastern boundary of the Site. 4 temporary structures/open sheds, with a total floor area of about 2,409 m<sup>2</sup> and building heights ranging from 3.5-8 m (1-2-storey), for work-bay, warehouse, site office, storeroom, guardroom and toilet uses are proposed. The proposed development is intended for storage of vehicle spare parts and inspection, and small-scale repair of light/medium/heavy goods vehicle, coach and container tractor. No vehicle spraying activities will be carried out at the Site. 3 parking spaces for container tractor, coach and light/medium/ heavy goods vehicle are also proposed. According to the applicant, the proposed operation hours will be between 8:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation being held on Sundays and public holidays. The proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 Compared with the last planning application (No. A/HSK/28), the current application is submitted by the same applicant for the same use at the same site, and the development parameters and site layout remain unchanged.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with annex and plans received on **(Appendix I)**  
27.4.2021
  - (b) Supplementary Information (SI) received on 30.4.2021 **(Appendix Ia)**  
providing clarifications on the development parameters
  - (c) Further Information (FI) received on 8.6.2021 clarifying **(Appendix Ib)**  
the total area of the GL portions  
*[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 the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The applied use is a temporary use for 3 years which would not jeopardize the long term planning intention of the current zoning.
- (b) The Site is the subject of 2 previous planning permissions and that the applied use is the same as those of the two previously approved planning applications since 2014. Since all approval conditions attached to the last planning permission have been complied with, sympathetic consideration should be granted.
- (c) Similar vehicle service centres were approved by the Board, and that the planning circumstances pertaining to the Site are similar to those of the recently approved open storage and port back-up uses in vicinity. Similar preferential treatment should be granted.
- (d) There is a shortage of land for the proposed use in Ha Tsuen. The proposed development is more suitable to be operated at the Site instead of the conventional godown and industrial premises because of difficulties for such vehicles to access to upper floors of a building. It is also not incompatible with the surrounding environment.

- (e) The proposed development will have insignificant environmental and noise impacts as the applied use is housed within structures. 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 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 the Ha Tsuen Rural Committee by registered mail. Detailed information would 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 portions.

### **4. 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**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site is related to 2 previous applications (No. A/YL-HT/923 and A/HSK/28) for temporary vehicle service centre use. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Both applications were approved with conditions by the Committee for a period of 3 years in 2014 and 2017 respectively on the considerations that the applied use was not incompatible with the surrounding areas; generally in line with the then Town Planning Board Guidelines TPB PG-No. 13; and no major adverse comment from concerned Government departments.
- 6.3 The last application No. A/HSK/28 for the same applied use was approved with conditions for a period of 3 years by the Committee on 8.12.2017. All time-limited approval conditions have been complied with. However, the planning permission lapsed on 9.12.2020.
- 6.4 Compared with the last application, the current application is submitted by the same applicant for the same use at the same site, and the development parameters and site layout remain unchanged.

### **7. Similar Application**

There is no similar application within the same “C(4)” zone on the OZP.

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

8.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) directly abutting Lau Fau Shan Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is a vehicle service centre under valid planning permission; to its further north across Lau Fau Shan road are some village houses;
- (b) to its east and southeast across Lau Fau Shan road are a vehicle service centre, a logistics centre under valid planning permission and a residential dwelling (being about 55m away)(**Plan A-2**);
- (c) to its immediate south are an open storage yard and workshop with valid planning permission; while to its further south and southwest across Fung Kong Tsuen Road are a vehicle repair workshop and some parking of vehicles; and
- (d) to its immediate west is a logistics centre under valid planning permission.

## **9. Planning Intention**

The planning intention of the “C(4)” zone is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre.

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

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

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs) and GL. The OSALs are 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) Two portions of GL in the Site are covered by a Short Term Tenancy (STT) with No. 2849 for the purposes of “Temporary Vehicle Service Centre”. No permission is given for occupation of the remaining GL included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (c) Details of the private lots covered by Short Term Waivers (STWs) are at **Appendix V**.

- (d) Should the application be approved, the STT/STW holder(s) should immediately apply to his office for modification of the STT/STW conditions where appropriate. The owner(s) of the lots without STW should immediately apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. The applicant has to either exclude the GL without STT from the Site or apply for a formal approval prior to the actual occupation of the above GL. 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 Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring 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 Lau Fau Shan Road.

### **Environment**

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

- (a) He does not support the application because there are sensitive receivers in the vicinity (the nearest residential dwelling being about 55 m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past three years.

- (c) 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' to minimize any potential environmental nuisance.

### **Drainage**

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

- (a) According to the applicant's submission, the existing drainage facilities which was implemented under the previous application No. A/HSK/28 will be maintained. He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest to stipulate a condition requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

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

### **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 proposal, 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 the detailed comments at **Appendix V**.

### **Long-Term Development**

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

- (a) He has no objection to the application for 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 Site 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 Remaining Phase development will commence in 2030.

#### **District Officer's Comment**

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 locals' comments on the application.

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 Agriculture, Fisheries and Conservation (DAFC).

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

On 4.5.2021, 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/objected to the application on the reasons that the proposed development within dense residential areas would cause environmental degradation and pose potential fire hazard, thus affecting the villagers' safety and quality of life; and opined that commercial facilities should be developed in tandem with population intake (**Appendices IV-1 to 2**).

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

12.1 The application is for temporary vehicle service centre for a period of 3 years at the Site within an area partly zoned "C(4)" (26%) and partly shown as 'Road' (74%) on the OZP. The planning intention of the "C(4)" zone is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre. Whilst the applied use is not in line with the planning intention of the "C(4)" zone, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD has no objection to the proposed temporary use 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 area. 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 situated in an area mixed with vehicle service centre, workshops, logistics centres and village houses. The applied use is generally 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. The applied use of the current application is the same as the last approved application No. A/HSK/28. Noting that the last permission has recently lapsed and all time-limited approval conditions have been complied with, sympathetic consideration could be given to the current application.

12.5 There is no objection to or adverse comment on the application from concerned Government departments, except DEP. DEP does not support the application because there are sensitive receivers in the vicinity (the nearest residential dwelling being about 55 m away), and environmental nuisances are expected (**Plan A-2**). However, 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 surrounding areas.

12.6 The Committee has approved 2 previous applications for the same applied use at the Site (**Plan A-1 and Appendix III**). Approval of the current application is in line with the Committee's previous decisions.

12.7 There were two public comments received during the statutory publication period as summarized 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 assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary vehicle service centre could be tolerated for a period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **25.6.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference

#### **Approval conditions**

- (a) no operation from 7:00 p.m. to 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) no vehicle is allowed to queue back to or reverse onto/from the public road at any time 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) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on Site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **25.9.2021**;
- (h) 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 **25.12.2021**;
- (i) in relation to (h) 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 **25.3.2022**;
- (j) 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
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

### Advisory clauses

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

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

- (a) the applied use is not in line with the planning intention of the "C(4)" zone, which is primarily for commercial developments functioning as territorial business/financial centre and regional or district commercial/shopping centre. There is no strong planning justification in the submission to deviate from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not have adverse environmental impact on the surroundings 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 with annex plans received on 27.4.2021                                                                     |
| <b>Appendix Ia</b>          | SI received on 30.4.2021                                                                                                    |
| <b>Appendix Ib</b>          | FI received on 8.6.2021                                                                                                     |
| <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                                                                                                       |
| <b>Appendices IV-1 to 2</b> | Public Comments                                                                                                             |
| <b>Appendix V</b>           | Advisory Clauses                                                                                                            |
| <b>Drawing A-1</b>          | Proposed Layout Plan                                                                                                        |
| <b>Drawing A-2</b>          | Proposed Landscape and Tree Preservation Plan                                                                               |
| <b>Drawing A-3</b>          | As-built Drainage 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                                                                                                                 |