

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

**APPLICATION NO. A/HSK/322**

- Applicant** : Ka Hung Investment Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 823 S.B RP (Part), 826 S.B ss.1 RP (Part), 829 S.A (Part), 829 S.B (Part), 830 RP (Part), 831, 832, 833 RP, 834, 837 S.B RP (Part), 838 (Part) and 839 (Part) in D.D. 125, Ha Tsuen, Yuen Long, N.T.
- Site Area** : about 7,788m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Residential (Group A)3” (“R(A)3”) (65.3%);  
*[Restricted to maximum plot ratio of 5.5, maximum building height of 140mPD]*  
  
“Open Space” (“O”)(6.2%); and  
  
an area shown as ‘Road’ (28.5%)
- 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 (**Plan A-1a**). The Site straddles over the “R(A)3” (65.3%) and “O” (6.2%) zones and an area shown as ‘Road’ (28.5%) 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 zones 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. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for open storage of vehicle and vehicle workshop with valid planning permission (**Plans A1-b, A-4a to 4b**).
- 1.2 The Site was involved in 8 previous applications for temporary open storage uses, logistics centre, vehicle park and workshop (**Plan A-1b**). The last application (No. A/HSK/165) for temporary open storage of vehicle with ancillary site office, storage of vehicle parts, vehicle inspection and repairing workshop for a period of 3 years

was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 19.7.2019. All approval conditions of the last application have been complied with except the one on the implementation of the fire service installations (FSIs) proposal.

1.3 The Site is accessible from Ping Ha Road with an ingress/egress point at the southwestern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the applied use under current application is for servicing of container tractors, light, medium and heavy goods vehicles and coaches including new vehicles. No car spraying will be carried out on the Site. As shown on the layout plan at **Drawing A-1**, two temporary structures (1 and 2 storeys and both not exceeding 10m high) for vehicle inspection and repairing workshop, site office and storage of vehicle parts are located in the middle of the Site. 6 other temporary structures, ranging from 1 to 2 storeys (3.5m to 6m high), for various ancillary facilities, including water tank, pump room, open shed or storage for inspection tool, meter room, guard room and toilet are also proposed. The remaining area is for open storage, parking and manoeuvring of vehicles. 18 parking spaces respectively for coaches/heavy goods vehicles, container tractors, and private car/light goods vehicles are proposed. The existing trees on the Site will be preserved and maintained. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed landscape and tree preservation plan, the as-built drainage plan and the FSIs proposal are shown at **Drawings A-2, A-3 and A-4** respectively.

1.4 Comparison of the major development parameters of the current application and the last approved application is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/165) (a)</b>	<b>Current Application (A/HSK/322) (b)</b>	<b>Difference (b) – (a)</b>
<b>Applied Use</b>	Temporary open storage of vehicle with ancillary site office, storage of vehicle parts, vehicle inspection and repairing workshop for a period of 3 years	Vehicle service centre for a period of 3 years	Similar <sup>1</sup>
<b>Site Area</b>	7,788m <sup>2</sup>	7,788m <sup>2</sup>	same
<b>No. of Structures</b>	8	8	same
<b>Total Floor Area</b>	2,755 m <sup>2</sup>	2,765m <sup>2</sup>	+10m <sup>2</sup>
<b>Height of Structures</b>	1 to 2 storeys (3.5m - 10m high)	1 to 2 storeys (3.5m - 10m high)	same
<b>No. of Private Car Parking Spaces</b>	4 for private car/light goods vehicles; 6 for coach/heavy goods vehicles 8 for container tractors	4 for private car/light goods vehicles; 6 for coach/heavy goods vehicles 8 for container tractors	same
<b>Operation Hours</b>	Mondays to Saturdays: 8:00 a.m. to 8:00 p.m. No operation on Sundays and public holidays		same

<sup>1</sup> The site layout of the two applications (No. A/HSK/165 and 322) is the same, which includes open storage area for storage of vehicles and inspection tools (**Drawing A-1**).

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

- (a) Application Form received on 30.6.2021 with drawings and estimated traffic generation **(Appendix I)**
- (b) Further information on FSIs proposal received on 13.8.2021 **(Appendix Ia)**

## **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 Site is the subject of 3 planning permissions for similar uses since 2014. The current planning circumstances are the same as before.
- (b) The applied use is temporary in nature and would not jeopardise the long-term development of the area.
- (c) The applied use is not incompatible with the surrounding environment including open storage uses and port back-up activities. Furthermore, as similar uses are granted with planning permission in the area such as A/HSK/28 and 263, preferential treatment should also be given to the current application.
- (d) The applied use is intended to serve the goods vehicles supporting the open storage and port back-up uses in Ha Tsuen. There is a shortage of such use in the area.
- (e) The applied use, including operations of storage of vehicle spare parts, inspection and small-scale repairing of goods vehicles, coach and container tractor, is more suitable to be carried out at the Site than in multi-storey buildings because of the difficulties of these vehicles in manoeuvring in such buildings.
- (f) Approval conditions for the previous application were mostly complied with except the implementation of FSIs proposal. The FSIs have been installed but they are shared with the adjacent site. Modification of the FSIs is being carried out for the sole use of the Site in accordance with FSD's requirements.
- (g) With the proposed mitigation measures, the traffic, environment/noise and drainage impacts would be minimized or insignificant.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is not a "current land owner" of the Site 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 notices 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 not subject to planning enforcement action.

## **5. Previous Applications**

- 5.1 The Site was involved in 8 previous applications (No. A/YL-HT/94, 159, 309, 535, 745, 914 and 1046 and No. A/HSK/165) for temporary open storage uses, vehicle park, logistics centre and vehicle inspection and repairing workshop. All these applications were approved with conditions by the Committee between 1999 and 2019 on the considerations that approval of the application on a temporary basis would not jeopardise the long-term development of the Site; the applied uses were not incompatible with the surrounding areas and generally in line with the then Town Planning Board Guidelines No. 13; and there was no major adverse comment from concerned Government departments. However, 4 of these approvals were revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 The last application No. A/HSK165 for temporary open storage of vehicles with site office, storage of vehicle parks, vehicle inspection and repairing workshop was approved with conditions by the Committee for a period of 3 years on 3.5.2019. All time-limited approval conditions have been complied with except the one on the implementation of FSIs proposal. Compared with the last application, the current application is submitted by the same applicant at the same site area for similar use. The layout of the applied use is the same as that of the last application.

## **6. Similar Applications**

There are 2 similar applications (No. A/HSK/42 and 263) within the same “R(A)3” and “O” zones on the OZP for temporary vehicle service centre at one site, which were both approved with conditions by the Committee on similar considerations as mentioned in paragraph 5.1 above. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) currently used for open storage of vehicle and vehicle workshop under valid planning permission; and
  - (b) directly abutting Ping Ha Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north are a car service establishment and open storage yard for recycling materials, and a vehicle service centre under valid planning permission and some parking of vehicles;
  - (b) to its east are a logistics centre, woodland and some parking of vehicles;
  - (c) to its immediate southeast is a residential dwelling (**Plan A-2**). To its further south are a logistics centre and an open storage yard; and
  - (d) to its west across Ping Ha Road are a car service establishment and woodland.

## **8. Planning Intentions**

- 8.1 The planning intention of the “R(A)3” 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.
- 8.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public.

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

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

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. 7 private lots are covered by Short Term Waivers.
  - (b) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **Traffic**

- 9.1.2 Comments of the Commissioner for Transport (C for T):
- (a) He has no adverse comments on the application from traffic engineering view point.
  - (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to or reverse onto/from public roads.
- 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
  - (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

### **Environment**

- 9.1.4 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 residential dwelling being to the

immediate southeast of the Site) (**Plan A-2**).

- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

### **Drainage**

9.1.5 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 were implemented under approved application No. A/HSK/165 will be maintained for the subject development. She has no objection in principle to the application from a drainage point of view. Should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of her Division.
- (b) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **Building Matters**

9.1.6 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 in **Appendix VI**.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval.
- (c) Having considered the nature of the open storage, the following approval condition shall be added:

“the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.”

- (d) The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **Long-Term Development**

#### 9.1.8 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, 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/NT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within the sites under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.

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

- (a) The part of the Site zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. She has no plan to develop the portion of the Site zoned “O” into public open space at present.
- (b) She notes that the application involves private lots only and has no in-principle objection to the application.

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

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

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

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

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

## **10. Public Comment Received During Statutory Publication Period**

On 9.7.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual

was received. The commenter objected to the application for the reasons that rejecting the application could accelerate new town development and avoid the undesirable outcome should a fire break out as the applicant has a long history of non-compliance with fire regulations (**Appendix V**).

## **11. Planning Considerations and Assessment**

- 11.1 The application is for temporary vehicle service centre for a period of 3 years at a site which straddles over the “R(A)3” (65.3%) and “O” (6.2%) zones and an area shown as ‘Road’ (28.5%) on the OZP. The planning intention of the “R(A)3” zone is primarily for high-density residential developments, while the planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public. Whilst the applied use is not in line with the planning intentions of the “R(A)3” and “O” zones, PM/W of CEDD and DLCS have 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 Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.
- 11.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, vehicle servicing workshops and logistics centre.
- 11.3 For the last approved application No. A/HSK/165 at the same Site for the similar use submitted by the same applicant, all time-limited approval conditions have been complied with except the one on the implementation of FSIs proposal. Efforts had been demonstrated to comply with that approval condition and FSIs proposal has been submitted in the present application (**Drawing A-4**). In this regard, D of FS has no objection in principle to the application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.
- 11.4 Concerned government departments, including C for T and CE/MN, DSD, have no objection to or no adverse comment on the application, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being to the immediate southeast of the Site) (**Plan A-2**). However, there is no environmental complaint pertaining to the Site in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions have been recommended in paragraph 12.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimize the possible environmental impacts on the surrounding areas.
- 11.5 In addition to 3 previous planning approvals for open storage of vehicle with site office, storage of vehicle parts, vehicle inspection and repairing workshop (**Plan A-**



**1b)**, there are 2 similar approvals within the same “R(A)3” and “O” zones on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee’s previous decisions.

- 11.6 One public comment objecting to the application was received during statutory publication period as summarised in paragraph 10. The planning considerations and assessments in the above paragraphs are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10, the Planning Department considers that the vehicle service centre could be tolerated for a period of 3 years.
- 12.2 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 **27.8.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval conditions**

- (a) no operation from 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, 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) the existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.11.2021**;
- (g) the provision of fire extinguisher(s) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **8.10.2021**;
- (h) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.11.2021**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.2.2022**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) 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 (f), (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 VI**.

12.3 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 intentions of the "R(A)3" and "O" zones, which are primarily for high-density residential developments, and for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public, respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact to the surrounding area.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 30.6.2021
<b>Appendix Ia</b>	FI received on 13.8.2021
<b>Appendix II</b>	Previous Applications Covering the Site
<b>Appendix III</b>	Similar Application Within the Same "R(A)3" and "O" Zones
<b>Appendix IV</b>	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
<b>Appendix V</b>	Public Comment
<b>Appendix VI</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>Drawing A-4</b>	Fire Service Installations Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan

<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2021**