

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

APPLICATION NO. A/HSK/377

- Applicant** : China Success Management Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 3138 RP (Part), 3139 (Part), 3140, 3141 (Part) and 3143 (Part) in D.D. 129, Ha Tsuen, Yuen Long
- Site Area** : about 1,436m²
- Land Status** : 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** : (i) “Open Space” (“O”) (about 54%); and
(ii) Area shown as ‘Road’ (about 46%)
- Application** : Renewal of Planning Approval for Temporary Vehicle Service Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary vehicle service centre for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area straddling “O” (54%) zone and an area shown as ‘Road’ (46%) on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the “O” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. 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 the applied use with valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Lau Fau Shan Road with its ingress/egress point at the eastern corner of the Site (**Drawing A-1** and **Plan A-2**). According to the layout plan at **Drawing A-1**, a temporary open shed structure (8m high) covering the western portion of the Site, including underneath a 2-storey temporary structure for site office use, is provided. 2 parking spaces (11m x 3.5m) for medium/heavy goods vehicle are proposed under the shed next to a manoeuvring circle. According to the applicant,

the operation hours are from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed landscape and tree preservation plan and the as-built drainage plan are shown at **Drawings A-2** and **A-3** respectively.

- 1.3 The Site is involved in 2 previous applications (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with annex and plans received on 10.5.2022 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 13.5.2022 **(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 current application is for renewal of a previous approved application No. A/HSK/172. All time-limited approval conditions of the planning permission have been complied with. There is no change in the development parameters in the current application. Sympathetic consideration should be given to the current application.
- (b) There are two previous approvals for the same applied use at the Site since 2016 and also similar approvals for the same use in the vicinity of the Site.
- (c) The applied use is temporary in nature and will not jeopardize the long-term planning intention of the zoned uses.
- (d) The development is compatible with its surrounding areas which are predominantly open storage and port back-up uses. The applied use would serve and complement such uses in the areas.
- (e) Low environmental impact is anticipated with operation of vehicle servicing inside the structures in the Site. The drainage impact would be insignificant with provision of surface U-channel within the Site.
- (f) There is genuine demand for such vehicle servicing centres which could not be accommodated in conventional godown and industrial buildings with limitations on loading and headroom.

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 Ha Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in 2 previous applications (No. A/YL-HT/1054 and A/HSK/172) for temporary vehicle service centre use. Both were approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2016 and 2019 respectively on the considerations that approval of the application on temporary basis would not jeopardise the long-term planning intention of the area; the applied use was not incompatible with the surrounding areas; and there were no major adverse comments from concerned government departments. However, the permission for application No. A/YL-HT/1054 was subsequently revoked in 2019 due to non-compliance with the time-limited approval conditions. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 The last application No. A/HSK/172, which was submitted by the same applicant for the same applied use at the same site, was approved with conditions by the Committee on 16.8.2019 for a period of 3 years with validity up to 16.8.2022. All the approval conditions have been complied with. The layout and development parameters of the current application are same as the last planning approval. The current application is a renewal application.

7. Similar Applications

There are 2 similar applications (No. A/HSK/28 and 309) for temporary vehicle service centre use partly within the same “O” zone and area shown as ‘Road’ in the last 5 years, which were approved with conditions by the Committee based on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
 - (a) accessible from Lau Fau Shan Road; and
 - (b) currently used for the applied use with valid planning permission.
- 8.2 The surrounding areas have the following characteristics:
 - (a) to its north across Lau Fau Shan Road within the “V” zone under another OZP are a cluster of village houses (the nearest residential dwelling is about 34m away) (**Plan A-2**), a plant nursery and an open storage yard of construction materials

which is a suspected unauthorized development (UD);

- (b) to its east across Lau Fau Shan Road are a logistics centre under valid planning permission, 2 yards respectively for vehicle service and for storage and a warehouse (all are suspected UD) and a residential dwelling;
- (c) to its south are a vehicle service centre, a warehouse and a canteen (all under valid planning permissions) and a vacant temporary structure; and
- (d) to its west are 2 logistics centres, both under valid planning permissions. Further northwest is an open storage yard of vehicles, which is a suspected UD.

9. Planning Intention

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

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** respectively.

10.2 The following government department does not support the application:

Environment

10.2.1 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 about 34m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) no environmental complaint pertaining to the Site was received in the past 3 years; and
- (c) his other advisory comments are provided in the Recommended Advisory Clauses in **Appendix V**.

11. Public Comments Received During the Statutory Publication Period

On 17.5.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals (**Appendices VI-1 to VI-2**) were received objecting to the application on the grounds that the proposed development will cause environmental nuisance, pose fire safety hazard to the villagers and adversely affect their living quality; and the toxic leakage from the applied use could render the soil unsuitable for open space use in the future.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary vehicle service

centre for a period of 3 years at the Site mainly zoned “O” (about 54%) and partly within an area shown as ‘Road’ (about 46%) on the OZP. The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses. Whilst the applied use is not in line with the planning intention of the “O” zone, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) and the Director of Leisure and Cultural Services (DLCS) have no objection to the temporary use for a period of 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.

- 12.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by vehicle service centres, logistics centres, warehouses and open storage yards (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/172) for a period of 3 years. There has been no major change in planning circumstances of the Site and the surrounding areas since the last approval. The approval of the application on a temporary basis would not jeopardise the implementation of the zoned use, and all the approval conditions under the last approved application have been complied with. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site for the same approval period and the development parameters and the layout remain unchanged. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34D.
- 12.4 There is no adverse comment from concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling is about 34m away) (**Plan A-2**), and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected. However, there was no environmental complaint pertaining to the Site received in the past 3 years. To address the concern on the possible environmental nuisance or the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised 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 latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental impacts on the surrounding areas.
- 12.5 In addition to 2 previous planning approvals at the Site for temporary vehicle service centre, there are 2 similar approvals for such use within the same “O” zone and within the area shown as ‘Road’ on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee’s previous decisions.
- 12.6 Two public comments objecting to the application were received during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the 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 further period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years and be renewed from 17.8.2022 to 16.8.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. to 8:00 a.m. is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (c) the existing drainage facilities on the Site should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.2.2023;
- (e) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.2.2023;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.5.2023;
- (g) if any of the above planning condition (a), (b) or (c) 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
- (h) if any of the above planning condition (d), (e) or (f) 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.

[Conditions (a) to (h) are all the same as the previous Application No. A/HSK/172; while conditions on restrictions on vehicle spraying activities, and submission and implementation of run in/out proposal have been removed as per the latest requirements.]

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 “O” zone which is primarily for provision of outdoor open-air public space for active and/or passive recreational uses. There is no strong planning justification in the submission for a departure from the planning intention, 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 10.5.2022
Appendix Ia	SI received on 13.5.2022
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 to VI-2	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape and Tree Preservation Plan
Drawing A-3	As-built Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**