

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

APPLICATION NO. A/HSK/380

- Applicant** : Great Mount Development Limited
- Site** : Lots No. 479 RP (Part), 480 S.A RP (Part), 480 RP (Part), 485 (Part), 486, 487 S.A, 487 S.B, 488, 489 S.A, 489 S.B RP (Part), 490 RP, 491 RP, 494 RP, 495 RP (Part), 496, 497, 498, 499, 500, 501 RP (Part), 505, 506 (Part) in D.D. 124 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : 8,000 m² (about) (including GL of about 38m² or 0.5%)
- 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** : “Government, Institution or Community” (“G/IC”)
[Restricted to maximum building height (BH) of 35mPD and 8 storeys]
- Application** : Temporary Open Parking of Coaches/Buses, Private Cars and Open Storage of Tyres, Storage of Parts with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open parking of coaches/buses, private cars and open storage of tyres, storage of parts with ancillary workshop for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “G/IC” on the 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 “G/IC” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied uses without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The ingress/egress point is at the southern corner of the Site which is accessible from Shek Po East Road (**Drawing A-1, Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, a total of 19 structures with a total floor area of 2,001m² are proposed. They include two single-storey temporary structures (750m² and 800m² respectively, both 6.5m high), enclosed on three sides for parking of

coaches and repair workshop uses located at the north-eastern part of the Site, five 2-storey converted containers (60m² each, 4.8m high) for storage of parts, three 2-storey converted containers (30m² each, 4.8m high) for site office, storage of tools and parts, 6 single-storey structures (2.4m to 3.5m) for ancillary facilities like electricity rooms, fire service tank and staff rest area, and 3 mobile toilets. A total of 65 coach/bus parking spaces (including 20 spaces for awaiting repair), 8 parking spaces for private car and 2 lorry loading/unloading spaces are also proposed. The operation hours of the Site are from 6:00 a.m. to 10:00 p.m. from Mondays to Saturdays, and 8:00 a.m. to 8:00 p.m. on Sundays and public holidays. There will be no workshop operation on Sundays and public holidays. The proposed vehicular access and layout plan, as-built drainage plan and proposed landscape plan submitted by the applicant are at **Drawings A-1, A-2 and A-3** respectively.

- 1.3 The Site is involved in 15 previous planning applications (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on **(Appendix I)**
27.5.2022
 - (b) Supplementary Information (SI) received on 31.5.2022 **(Appendix Ia)**
 - (c) Further Information (FI) received on 27.6.2022 **(Appendix Ib)**

[exempted from publication and recounting requirement]

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) All the approval conditions under the last planning permission (Application No. A/YL-HT/1001) had been complied with. The current applied uses are the same as the previously approved application.
- (b) Normally, only 45 coaches/buses will operate on a daily basis. The trip generation rate is about 5 to 6 per hour during peak hours and about 1 to 2 per hour during non-peak hours. Therefore, the proposed use will not generate adverse traffic impact.
- (c) The applicant would comply with the approval conditions imposed by the Rural and New Town Planning Committee (the Committee).

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 Ping Shan Rural Committee via registered mail. Detailed information would be deposited at the

meeting for Members' inspection. The "Owner's Consent/Notification" Requirements are not applicable to the GL portion.

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 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 any active planning enforcement action. However, parking of vehicles was observed within the Site. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

6. Previous Applications

- 6.1 The Site is related to 15 previous applications No. A/YL-HT/8, 74, 173, 198, 285, 286, 404, 407, 462, 463, 585, 635, 691, 796 and 1001 covering different extent of the Site for various temporary open storage or vehicle (including trailer/tractor) park uses, which were all approved by the Committee on considerations that approval of the applications would not jeopardize the long-term development of the Site; significant adverse environmental, visual, traffic or drainage impacts were not envisaged; and relevant approval conditions were recommended to address the technical concerns of relevant government departments. However, 6 planning permissions (No. A/YL-HT/173, 198, 404, 407, 585 and 691) were revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The last application No. A/YL-HT/1001 for the same applied uses as the current application submitted by the same applicant was approved with conditions by the Committee for a period of 3 years on 22.1.2016. All the approval conditions had been complied with. However, the planning permission lapsed on 22.1.2019. The layout and development parameters of the current application are the same as the last planning approval.

7. Similar Applications

There are 2 similar applications (No. A/HSK/180 and 262) within the same "G/IC" zone on the OZP for temporary open storage of vehicle parts and ancillary vehicle repair workshop in the past 5 years. Both were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. However, both planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

8. The Site and Its Surrounding Areas (Plan A-1a to Plan A-4b)

8.1 The Site is:

- (a) accessible from Shek Po East Road; and
- (b) currently used for the applied uses without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are the West Rail Emergency Access Point and the elevated MTR Tuen Ma Line;
- (b) to its east are Shek Po East Road and Hung Tin Road;
- (c) to its south are an open storage yard of construction materials and workshop, a storage yard and a vehicle park which all are suspected unauthorized developments (UDs) and some residential dwellings (the nearest being about 58m away); and
- (d) to its west are a piece of agricultural land and an open storage yard of coaches and workshop which is a suspected UD.

9. Planning Intention

The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the government, organisations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 supports the application:

Traffic

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

- (a) he supports the application from traffic perspective to meet the public demand on parking spaces; and
- (b) the applicant should note his advisory comments in the Recommended Advisory Clauses in **Appendix V**.

10.3 The following government department does not support the application:

Environment

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

- (a) he does not support the application because there are sensitive users in the vicinity of the Site (the closest residential dwelling being about 58m away) (**Plan A-2**) and the applied uses involve the use of heavy vehicles. Environmental nuisance is expected;
- (b) there was no substantiated environmental complaint pertaining to the Site received in the past 3 years; and
- (c) the applicant should note his advisory comments in the Recommended Advisory Clauses in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 7.6.2022, 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 (**Appendix VII**). An individual objects to the application on the grounds that the proposed development will increase traffic flow, cause traffic congestion and environmental nuisance, and pose fire safety hazard to the villagers. The other individual expresses concerns about the implementation of the “G/IC” zone for the provision of community facilities to serve the area.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open parking of coaches/buses, private cars and open storage of tyres, storage of parts with ancillary workshop for a period of 3 years at the Site zoned “G/IC” on the approved HSK and HT OZP. The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. Whilst the applied uses are not in line with the planning intention of the “G/IC” zone, the Commissioner for Transport supports the application and the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) has 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 jeopardise 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 uses are not incompatible with the surrounding land uses which are predominantly occupied by storage yards and parking of vehicles (**Plan A-2**).
- 12.3 The applied uses involving open storage are generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and 15 previous planning approvals for similar uses were given. The current application is submitted by the same applicant for the same uses with the same layout as compared with the last approved previous application (No. A/YL-HT/1001) in 2016. All time-limited

conditions attached to the last approved application had been complied with. In this regard, sympathetic consideration may be given to the application.

- 12.4 There is no adverse comment from the concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling is about 58m away) (**Plan A-2**), and the applied uses involve the use of heavy vehicles and thus environmental nuisance is expected. However, there was no substantial environmental complaint pertaining to the Site in the past 3 years. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any UD 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.
- 12.5 In addition to 15 previous planning approvals for various similar uses at the Site (**Plan A-1b**), there are 2 similar applications with approval for temporary open storage of vehicle parts and ancillary vehicle repair workshops within the same "G/IC" zone on the OZP (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions.
- 12.6 Two public comments objecting to/expressing concerns on 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 open parking of coaches/buses, private cars and open storage of tyres, storage of parts with ancillary workshop could be tolerated for a 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 until **15.7.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the 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 **15.10.2022**;
- (c) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport and

Director of Highways or of the Town Planning Board by **15.1.2023**;

- (d) in relation to (c) above, the implementation of the approved run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board by **15.4.2023**;
- (e) the provision of fire extinguisher(s) within **6** weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.8.2022**;
- (f) the submission of a 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 **15.1.2023**;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.4.2023**;
- (h) if the above planning condition (a) 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
- (i) if any of the above planning condition (b), (c), (d), (e), (f) or (g) 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 reason for rejection is suggested for Members' reference:

the applied uses are not in line with the planning intention of the "G/IC" zone, which is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

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 with attachments received on 27.5.2022
Appendix Ia	SI received on 31.5.2022
Appendix Ib	FI received on 27.6.2022
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendices VII-1 and VII-2	Public Comments
Drawing A-1	Proposed Vehicular Access and Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	Proposed Landscape Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2022**