

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/381

- Applicant** : Ever Honors Limited (永樂昌有限公司) represented by Miss HUI Hang Yu (許幸如)
- Site** : Lots 1225 (Part) and 1226 RP (Part) in D.D. 124, San Sang Tsuen, Tin Ha Road, Hung Shui Kiu, Yuen Long
- Site Area** : 2,025m²(about)
- 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** : (i) “Open Space” (“O”) (about 47%);
(ii) “Other Specified Uses” annotated “Enterprise and Technology Park” (“OU(ETP)”) (about 45%); and
[Restricted to maximum plot ratio (PR) of 5 and maximum building height (BH) of 90m]
(iii) “Village Type Development” (“V”) (about 8%)
[Restricted to maximum BH of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Excluding Container Vehicle) and Storage of Vehicle Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) and storage of vehicle parts for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site straddles over “O”, “OU(ETP)” and “V” zones 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. The Site is currently used for the applied use without valid planning permission (**Plans A-4a to 4c**).
- 1.2 The Site is accessible from Kong Sham Western Highway via a local track and the ingress/egress point is located at the western part of the Site (**Plans A-2 and A-3**).

As shown on the layout plan at **Drawing A-2**, eight temporary single-storey (not exceeding 3m high) converted-container structures with a total floor area of about 128m² are proposed, including 4 structures for storage of vehicle parts, 2 structures for office use, 1 structure for washroom use and 1 structure for caretaker office use. An area of about 200m² at the south-eastern portion of the Site will be dedicated for open storage of vehicles parts, whereas a manoeuvring circle will be provided at the western part of the Site. Two parking spaces for private cars and 10 parking spaces for medium goods vehicles (MGVs) will be provided within the Site. The operation hours of the development are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, and no operation would be carried out on Sundays and public holidays. The location plan, proposed layout plan, proposed fire service installations (FSIs) plan, and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in 2 previous planning applications (details at paragraph 5 below).
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/184) (a)	Current Application (A/HSK/381) (b)	Difference (b) - (a)
Applied Use	Proposed temporary reinforcing steel processing workshop with ancillary office (3 years)	Temporary public vehicle park (excluding container vehicle) and storage of vehicle parts (3 years)	different uses
Site Area	2,025m ²		no change
No. of Structures	2	8	+6 (+300%)
Total Floor Area	120m ²	128m ²	+8m ² (+6.67%)
Height of Structures	1 storey Not exceeding 3m		no change
Number of parking spaces	3 for private cars; 1 for MGW	2 for private cars; 10 for MGWs	-1 for private car; +9 for MGWs
Operation Hours	8:00 a.m. to 6:00 p.m., Mondays to Sundays; no operation on public holidays	8:00 a.m. to 8:00 p.m., Mondays to Saturdays; no operation on Sundays and public holidays	--

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 9.6.2022 with attachments **(Appendix I)**
- (b) Supplementary Information (SI) received on 15.6.2022 **(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 applied use is temporary in nature and will not jeopardize the long-term planning intentions of the zoned uses.
- (b) The previous application for temporary workshop with ancillary office within the same site (No. A/HSK/184) was approved by the Board. The Site has been hard-paved for effective drainage and no tree felling will be required. The environmental impact from the applied use would be insignificant.
- (c) The traffic impact would be insignificant as the vehicle park is intended to serve the villagers nearby and have restrictive operation hours.

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.

4. Background

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

5. Previous Applications

- 5.1 The Site is involved in 2 previous applications (No. A/HSK/61 and 184) for temporary public vehicle park and workshop use respectively. Both applications were approved with conditions by the Committee in 2018 and 2019 respectively on the considerations that no major adverse comments from concerned government departments and relevant approval conditions were recommended to address the technical requirements of concerned government departments; the applied use was not incompatible with the surrounding areas; and approval of the applications was in line with the Committee’s previous decisions. However, both planning permissions were subsequently revoked due to non-compliance with the time-limited approval conditions. Details of these applications are summarized at **Appendix II** and their location is shown on **Plan A-1**.
- 5.2 Compared with the last application (No. A/HSK/184), the current application is submitted by a different applicant for different uses at the same site with a different layout.

6. Similar Applications

There are 2 similar applications (No. A/HSK/231 and 351) for temporary warehouse and open storage uses within the same “V”, “O” and “OU(ETP)” zones on the OZP in the past 5 years. Both applications were approved with conditions by the Committee in 2020 and 2022 respectively on similar considerations as mentioned in paragraph 5.1 above. Details of the applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plan A-1 to A-4c)

7.1 The Site is:

- (a) accessible from Kong Sham Western Highway via a local track; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are two open storage yards for construction materials and plastic containers, which both are suspected unauthorized developments (UDs), and some residential dwellings of San Sang Tsuen;
- (b) to its east is the village cluster of San Sang Tsuen;
- (c) to its south are warehouse and open storage of vehicles under valid planning permission and some residential dwellings; and
- (d) to its west are some open storage yards of containers and construction materials which are suspected UD, and to its northwest are a storage facility, some graves and grassland.

8. Planning Intentions

- 8.1 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.
- 8.2 The planning intention of the “OU(ETP)” zone is primarily to provide development space for accommodating a variety of innovation and technology uses, including research centre, testing and certification, data centre, modern industries and other related businesses and non-polluting industrial uses.
- 8.3 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses (SHs) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.
- 9.2 The following government department does not support the application:

Environment

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

- (a) he does not support the application because there are sensitive users in vicinity of the Site (the closest residential dwelling is adjacent to the Site) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) there were two substantiated environmental complaints relating to noise issue (received in 2021) concerning the Site received in the past 3 years. Noise measurement was conducted and no violation of Noise Control Ordinance was spotted; and
- (c) the applicant should be reminded to note his advisory comments in **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 17.6.2022, 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 V**). An individual objects to the application on the grounds that the applied use will increase the traffic flow, resulting in traffic congestion, environmental nuisance and fire hazard, and adversely affecting the safety and living quality of the villagers. The other individual expresses concerns about the history of non-compliance with approval conditions of the previous application No. A/HSK/184.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park and storage of vehicle parts for a period of 3 years at the Site zoned “O”, “OU(ETP)” and “V” 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 serving the needs of local residential as well as the general public, whereas the planning intention of the “OU(ETP)” zone is primarily to provide development space for accommodating a variety of innovation and technology uses and non-polluting industrial uses. The planning intention of the “V” zone is primarily for development of SHs by indigenous villagers. Whilst the applied use is not entirely in line with the planning intentions of these zones, the District Lands Officer/Yuen Long of Lands Department has no adverse comment on the application and advises that there is currently no SH application approved or under processing at the Site. The Director of Leisure and Cultural Services also has no in-principle objection to the application. Besides, the Project Manager (West), Civil Engineering and Development Department has no objection to the temporary use for 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 implementation of government projects.
- 11.2 The applied uses are not incompatible with the surrounding areas which are predominated by open storage and warehouse uses (**Plan A-2**).

- 11.3 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 adjacent to the Site) (**Plan A-2**), and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 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 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.
- 11.4 In addition to 2 previous planning approvals for temporary public vehicle park and workshop use at the Site, there are 2 similar approvals for temporary warehouse with open storage uses within the same "V", "O" and "OU(ETP)" zones on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee's previous decisions.
- 11.5 Two public comments objecting to/expressing concerns on the application were 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 assessment made in paragraph 12 above, and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary public vehicle park (excluding container vehicle) and storage of vehicle parts 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 **29.7.2025**. 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 **29.10.2022**;
- (c) 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 **29.1.2023**;
- (d) in relation to (c) 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

29.4.2023;

- (e) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intentions of the "O", "OU(ETP)" and "V" zones, which are 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, for accommodating a variety for innovation and technology uses, and for development of SHs by indigenous villagers, respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.

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

Appendix I	Application Form received on 9.6.2022
Appendix Ia	SI received on 15.6.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed FSIs Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plans A-4a to 4c

Site Photos

**PLANNING DEPARTMENT
JULY 2022**