

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/392

- Applicant** : Eternal Universal Limited (永恆環球有限公司)
- Site** : Lots No. 4 (Part), 5 (Part), 6 (Part) and 7 S.A (Part) in D.D. 124, Lot No. 1498 S.B RP (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, N.T.
- Site Area** : About 3,576m² (including GL of 74m² or 2%)
- 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
- Zoning** : “Other Specified Uses” annotated “Logistics Facility” “(OU(LF))”
- Application** : Temporary Centre for Inspection of New Vehicles, Car Repair Workshop and Open Storage of Vehicles Prior to Sale (Including Coach, Tractor and Lorry) with Ancillary Warehouse for Storage of Parts and Accessories and Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary centre for inspection of new vehicles, car repair workshop and open storage of vehicles prior to sale (including coach, tractor and lorry) with ancillary warehouse for storage of parts and accessories and site office for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “OU(LF)” on the OZP. According to the Notes of the OZP for “OU(LF)” zone, ‘Open Storage of vehicles’ and ‘Warehouse’ are Column 1 uses which are always permitted. ‘Vehicle Repair Workshop’ is a Column 2 use requiring planning permission whereas centre for inspection of new vehicles is neither Column 1 nor Column 2 use. Temporary use or development of any land or building not exceeding a period of three years within the 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 use without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Ha Tsuen Road via a local track (**Plans A-2 and A-3**) and the ingress/egress point is at its northeast boundary. As shown on the layout

plan at **Drawing A-2**, there are 19 structures with a total floor area of 1,494m², including 6 single-storey open sheds (2.6 m to 5 m in height) for vehicle repairing and vehicles parts storage, one single-storey stone house (2.9 m in height) as meter room, and other 12 one to two storeys converted-container structures (2.6 m to 5.2 m in height) for machinery repair room and vehicles parts storage and other ancillary facilities including site office, rest rooms, pumping room, bathroom and toilet. 10 non-designated private car parking spaces for staff and visitors and 40 parking spaces for new / repaired vehicles including container tractors, coaches and goods vehicles are provided within the Site (**Drawing A-4**). The operation hours are from 9:00 a.m. to 8:00 p.m. from Monday to Saturday and there will be no operation on Sundays and public holidays. The proposed vehicular access plan, layout plan, vehicle disposition plan, tree preservation plan, supplementary table for on-site structures, fire services layout plan and as-built drainage plan are at **Drawings A-1 to A-7** respectively.

- 1.3 The Site is involved in 8 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/HSK148) (a)	Current Application (A/HSK/392) (b)	Difference (b) - (a)
Applied Use	Renewal of Planning Approval for Temporary "Centre for Inspection of New Vehicles, Car Repair Workshop and Open Storage of Vehicles Prior to Sale (Including Coach, Tractor and Lorry) with Ancillary Warehouse for Storage of Parts and Accessories and Site Office" (3 Years)	Temporary Centre for Inspection of New Vehicles, Car Repair Workshop and Open Storage of Vehicles Prior to Sale (Including Coach, Tractor and Lorry) with Ancillary Warehouse for Storage of Parts and Accessories and Site Office (3 Years)	--
Site Area	About 3,576m ²		no change
Total Floor Area	1,818m ²	1,494m ²	-324m ² (-17.8%)
No. of Structure	20 (open sheds, meter room, converted containers for site office, rest rooms, pumping room, bathroom, toilet, machinery repair room and vehicles parts storage)	19 (open sheds, meter room, converted containers for site office, rest rooms, pumping room, bathroom, toilet, machinery repair room and vehicles parts storage)	-1 (-5%)
No. of Parking Spaces	10		no change
No. of New/ Repaired Vehicles Parking Spaces	40		no change
Operation Hours	<ul style="list-style-type: none"> 9:00 a.m. to 8:00 p.m. from 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 13.7.2022 with plans (Appendix I)
- (b) Supplementary Information (SI) received on 15.7.2022 (Appendix Ia)
clarifying the number of structures

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 applicant is the agent of Zhenhai-Guangdong coaches. The Site is the subject of a previous planning approval for the same use under application No. A/HSK/148. All planning conditions have been complied with. Due to the change in location of structures and GFA, the applicant submits a fresh planning application for the Board's consideration.
- (b) As the previously approved application No. A/HSK/148 is valid until 24.6.2022, the subject application is therefore submitted to continue its operation at the Site.

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. 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 GL portion.

4. Background

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

5. 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**.

6. Previous Applications

- 6.1 The Site is involved in 8 previous applications (No. A/YL-HT/423, 433, 469, 562, 629, 854, 1030 and A/HSK/148) for temporary open storage of brand new vehicles/centre for inspection of new vehicles. The first 3 applications were rejected before 2008 whereas the subsequent 5 applications were approved with

conditions by the Committee/Board from 2008 to 2019. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 The rejected applications straddled over the then “Residential (Group D)” (“R(D)”) and “Recreation” (“REC”) zones on the then Ha Tsuen OZP, and consideration of them are not relevant.
- 6.3 The subsequent 5 applications were then approved with conditions by the Committee/ Board between 2008 to 2019 on the considerations that the applied uses would not jeopardise the long-term planning intention of the zoned uses; being not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. However, two planning permissions (No. A/YL-HT/562 and 629) were subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.4 The last application No. A/HSK/148 was approved with conditions by the Committee on 31.5.2019 for a period of 3 years. All time-limited approval conditions 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 with similar layout and slightly different development parameters.

7. Similar Application

There is no similar application within the same “OU(LF)” zone.

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

8.1 The Site is:

- (a) currently being used for the applied uses without valid planning permission; and
- (b) accessible from Ha Tsuen Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are a number of warehouses and logistics centres, and a vehicle repair workshop, while to its further north is Ha Tsuen Road;
- (b) to its east and southeast are a logistics centre and a warehouse, the latter being a suspected unauthorized development (UD);
- (c) to its south are two logistics centres and three warehouses; and
- (d) to its west is another logistics centre.

9. Planning Intention

The planning intention of the “OU(LF)” zone is primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub.

10. Comments from Relevant Government Departments

All 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.

11. Public Comment Received During Statutory Publication Period

On 22.7.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary centre for inspection of new vehicles, car repair workshop and open storage of vehicles prior to sale (including coach, tractor and lorry) with ancillary warehouse for storage of parts and accessories and site office for a period of 3 years at the Site zoned “OU(LF)” on the OZP, which is intended primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub. Whilst the applied use with vehicle inspection centre and car repair workshop is not entirely in line with the planning intention, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD has no objection to the proposed 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 used for logistics centres, warehouses and workshops (**Plan A-2**).

12.3 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and 5 previous planning approvals for centre for inspection of new vehicles with/without repair workshop and open storage of new vehicles and vehicle parts were given. For the last approved application (No. A/HSK/148), all time-limited approval conditions had been complied.

12.4 There is no adverse comment from concerned government departments. It is anticipated that no significant adverse traffic, environmental, drainage and fire safety impacts would be generated from the applied use. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.

12.5 No public comment was received during the statutory public inspection period.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary centre for inspection of new vehicles, car repair

workshop and open storage of vehicles prior to sale (including coach, tractor and lorry) with ancillary warehouse for storage of parts and accessories and site office 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 **9.9.2025**. 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 **9.12.2022**;
- (c) 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 **21.10.2022**;
- (d) the implementation of the accepted 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 **9.6.2023**;
- (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 V**.

- 13.3 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 intention of the "OU(LF)" zone which is intended primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub. There is no strong justification to deviate 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 received on 13.7.2022
Appendix Ia	SI received on 15.7.2022
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 Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Good Practice Guidelines for Open Storage
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Supplementary Table for On-site Structures
Drawing A-4	Vehicle Disposition Plan
Drawing A-5	Fire Service Installations Layout Plan
Drawing A-6	Tree preservation plan
Drawing A-7	As-built Drainage Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**