

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

**APPLICATION NO. A/HSK/400**

<b><u>Applicant</u></b>	: Mr. TANG Yui Kan represented by Metro Planning & Development Company Limited
<b><u>Site</u></b>	: Lots 822 (Part), 835 S.B RP (Part), 854 S.A RP (Part), 854 S.B ss.1 (Part) and 854 S.B ss.2 RP (Part) in D.D. 125, Ping Ha Road, Yuen Long, N.T
<b><u>Site Area</u></b>	: About 1,030m <sup>2</sup>
<b><u>Land Status</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
<b><u>Zoning</u></b>	: “Open Space” (“O”)
<b><u>Application</u></b>	: Temporary Shop and Services (Car Beauty Services) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (car beauty services) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “O” on the OZP. According to the Notes of the OZP, ‘Shop and Services’ in “O” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plan A-4a and A-4b**).
- 1.2 The Site is accessible from Ping Ha Road (**Plans A-2 and A-3**) with the ingress/egress points at the north-eastern part of the Site. As shown on the proposed layout plan at **Drawing A-1**, 3 single-storey temporary structures (with a total floor area of about 310m<sup>2</sup>; not exceeding 4.5m high) for car washing facility for private cars and light goods vehicles are provided. There are also 3 other temporary structures for site offices, toilet and electricity meter room and rain shelter uses (1 to 2-storey, 3m to 6.5m high). According to the applicant, the customers are mainly nearby residents. A total of ten parking spaces for private car and light goods vehicle are provided within the structures of car washing facility. The operation hours are from 7 a.m. to 7 p.m. daily, including public holidays. The proposed layout plan and drainage plan submitted by the applicant are shown on **Drawings A-1 and A-2**.

- 1.3 In support of the application, the applicant has submitted the Application Form (received on 5.8.2022) with a drainage proposal and an estimated trip generation (**Appendix I**).

## **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, being a Column 2 use in “O” zone, is not incompatible with the surrounding environment which is mainly occupied by open storage yards and port back-up uses. It is temporary in nature and would not affect the long-term zoned use. An application (No. A/YL/241) for shop and services (car beauty services) was approved by the Board in the “O” zone. Similar consideration is sought from the Board.
- (b) The applied use is primarily to provide car beauty services to nearby residents. The traffic impact of the applied use would be minimal as the Site would serve at most 8 private cars and 2 light goods vehicles at the same time. No medium goods vehicle, heavy goods vehicle and container trailer or tractor will be allowed to enter or park at the Site.
- (c) Given that the use is housed within an enclosed structure with surface U-channel provided and no operation will be held during sensitive hours, the impacts to the environment and drainage would be insignificant.

## **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.

## **4. Background**

The Site is currently subject to an on-going planning enforcement case No. E/YL-HSK/91 against an unauthorised development (UD) involving use for shop and services. Enforcement Notice (EN) was issued on 30.8.2022 to the concerned parties requiring discontinuation of the UD.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Application**

There is no similar application within the same “O” zone on the OZP.

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

7.1 The Site is:

- (a) accessible from Ping Ha Road; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is a cycling track and footpath. To its further north across Ping Ha Road are a vehicle service centre and a logistics centre (both under valid planning permissions), a vehicle repair workshop, an open storage yard of recycling materials, a parking site of lorries and open storage of metal and an open storage yard of construction materials and workshop which are suspected UD's;
- (b) to its further east and northeast across Ping Ha Road are vacant land and a vehicle park under valid planning permission;
- (c) to its west is unused land, much of it being designated "Tung Tau Tsuen Archaeological Site", with some graves and urns. To its northwest are a storage yard, an open storage yard of recycling materials and a vehicle repair workshop which are suspected UD's; and
- (d) to its south are some residential dwellings of Tung Tau Tsuen (the nearest one being 30m away). To its further southeast are an open storage yard of vehicles and repair workshop which is a suspected UD and vacant land.

## **8. 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.

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

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II and III** respectively.

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

On 12.8.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from two individuals were received (**Appendices IV-1 and IV-2**) objecting to the application on the grounds that the applied use will generate environmental nuisances, pose fire safety hazards to the villagers and adversely affect their living quality; and the approval of the application may set a precedent to encourage further encroachment of the wooded area with no previous approval granted at the Site.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary shop and services (car beauty services) for a period of 3 years at the Site zoned “O” 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 residents as well as the general public. 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 and the Director of Leisure and Cultural Services have no in-principle objection to the temporary use for a period of 3 years on the Site. It could also provide car beauty services to meet any such demand in the area. 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 proposed temporary use of shops and services (car beauty services) is considered not incompatible with the surrounding land uses, which are predominantly occupied by residential dwellings, open storage yards, vehicle repair workshops, vehicle park and logistics centre, with some of them covered by planning permissions.
- 11.3 There is no adverse comment from the concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application. The applied use would unlikely create significant adverse traffic, environmental, fire safety and drainage impacts to the surrounding area. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below.
- 11.4 Two public comments objecting to the application were received during the statutory publication period as summarized 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 comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 **23.9.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval conditions**

- (a) no vehicles are allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;

- (b) the submission of the revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.3.2023**;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.6.2023**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 **23.3.2023**;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.6.2023**;
- (g) if any of the above planning condition (a) or (d) 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 (b), (c), (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.

#### Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 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 intention of the "O" zone, which is primarily for the provision of outdoor open-air public space for active and/or recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification in the submission for a departure from the planning intention, 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**

<b>Appendix I</b>	Application Form received on 5.8.2022
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendices IV-1 and IV-2</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2022**