

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/455

Applicant : Mr. TANG Yui Kan represented by Metro Planning & Development Company Limited

Site : Lots 3196 RP (Part), 3197 RP (Part), 3256 RP (Part), 3257 RP (Part), 3258 RP (Part), 3259 RP (Part), 3260 S.B RP and 3261 S.B RP (Part) in D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories

Site Area : About 1,700m² (including about 434m² of GL (about 26%))

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 : “Commercial (4)” (“C(4)”)
[restricted to a maximum plot ratio of 3 and a maximum building height of 50mPD]

Application : Proposed Temporary Vehicle Repair Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary vehicle repair workshop for a period of three years at the application site (the Site) zoned “C(4)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years at the Site requires planning permission from the Town Planning Board (the Board). The Site is currently used for vehicle servicing and open storage of machineries without valid planning permission.
- 1.2 The Site is abutting Ping Ha Road, and the ingress/egress point is at the eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, there are two temporary structures (one and two storeys, not exceeding 6m high) with a total floor area of not more than 385m² for storage of tools and vehicle parts, site office and toilet uses. Two parking spaces for private cars (each of 5m x 2.5m), three parking spaces for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) and one loading/unloading bay for M/HGVs (11m x 3.5m) are provided (**Drawing A-1**). According to the applicant, the operation hours are from 9:00 a.m. to 7:00

p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the proposed layout, proposed drainage facilities and the access leading to the Site submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in a previous planning application for temporary open storage of construction machinery and construction materials approved by the Rural and New Town Planning Committee (the Committee) of the Board on 16.4.2004 (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 15.5.2023 (**Appendix I**).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 15.5.2023 (**Appendix I**)
 - (b) Further Information (FI) received on 7.7.2023 (**Appendix Ia**)
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) A previous application for open storage use was approved by the Board at the Site in 2004. The applied use is intended to provide vehicle repair services for M/HGVs of open storage yards, warehouses and logistics centres in the vicinity.
- (b) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.
- (c) The applied use is not incompatible with the surrounding areas which are predominantly occupied by open storage and port back-up uses.
- (d) The impacts on environment, traffic and drainage are expected to be insignificant. The Site will repair at most three M/HGVs at the same time. No container tractor/trailer will be allowed to enter or park 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 Ping Shan 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 planning enforcement action.

5. Previous Application

Part of the Site is involved in a previous application No. A/YL-HT/336 for temporary open storage of construction machinery and construction materials for a period of three years¹. The application was approved by the Committee on 16.4.2004 mainly on the considerations that the applied use was not incompatible with the surrounding areas; generally in line with the relevant TPB PG-No.13 and there were no major adverse comments from concerned government departments. However, the planning permission was subsequently revoked in 2005 due to non-compliance with time-limited approval conditions. Compared with the last approved application, the current application is submitted by a different applicant for a different use at a larger site.

6. Similar Applications

There are three similar applications (No. A/HSK/189, 309 and 414) for temporary vehicle repair workshop/vehicle service centre or temporary open storage of container and repairing workshop with ancillary staff canteen within/straddling the subject “C(4)” zone in the past five years. All of them were approved with conditions by the Committee between 2019 and 2022 on the considerations similar to those mentioned in paragraph 5 above. However, one of the planning permissions was subsequently revoked due to non-compliance with approval condition. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Ping Ha Road; and
- (b) currently used for the vehicle servicing and open storage of machineries without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are a canteen and a residential dwelling (being adjacent to the Site). To its further north and northwest across Fung Kong Tsuen Road are a logistics centre, a warehouse and a vehicle service centre under valid planning permissions, a covered car park and a canteen which are suspected unauthorized developments (UDs), a refuse collection point and some graves;
- (b) to its immediate northeast is a toilet. To its further east and northeast across Ping Ha Road are a site for parking of vehicles under valid planning permission, and two open storage yards, a logistics centre and a site for shop and services use which are suspected UD;
- (c) to its south and southeast are a logistics centre and workshop under valid

¹ The Site was zoned “Comprehensive Development Area” at the time of consideration of the application.

planning permission, and a workshop, a storage facility and an open storage yard which are suspected UD; and

- (d) to its west and southwest are two vehicle repair workshops (one under valid planning permission and one being a suspected UD), a logistics centre under valid planning permission, and two warehouses, a storage facility and an open storage yard which are suspected UD. To the further southwest are some residential dwellings.

8. Planning Intention

The planning intention of the “C” zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre.

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 receivers of residential use in the vicinity of the Site (the closest residential dwelling being adjacent to the Site) (**Plan A-2**) and the proposed use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) no environmental complaint pertaining to the Site was received in the past three years; and
- (c) his other advisory comments are provided in the Recommended Advisory Clauses in **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 23.5.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary vehicle repair workshop for a period of three years at the Site zoned “C(4)” on the OZP. Whilst the proposed use is not in

line with the planning intention of the “C” zone, the Project Manager (West), Civil Engineering and Development Department has no adverse comment on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, 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.

- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are predominantly used for logistics centres, workshops, open storage yards and warehouses with some of them covered by valid planning permissions (**Plan A-2**).
- 11.3 While DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being adjacent to the Site), and the proposed use involves the use of heavy vehicles and thus environmental nuisance is expected (**Plan A-2**), there was no environmental complaint pertaining to the Site in the past three years. Should the application be approved, the applicant will 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 nearby sensitive receivers. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 Part of the Site is the subject of a previous application for open storage use approved by the Committee in 2004 and three similar applications for temporary vehicle repair workshop/vehicle service centre or temporary open storage of container and repairing workshop with ancillary staff canteen within/straddling the subject “C(4)” zone on the OZP have been approved from 2019 to 2022 (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the proposed temporary vehicle repair workshop could be tolerated for a period of three 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 three years until **14.7.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation from 7:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or

of the Town Planning Board by **14.1.2024**;

- (d) in relation to (c) above, the implementation of the revised drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **14.4.2024**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 **14.1.2024**;
- (g) in relation to (f) 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 **14.4.2024**;
- (h) if any of the above planning condition (a), (b) or (e) is not complied with during the planning 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 (c), (d), (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 IV**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed use is not in line planning intention of the "C" zone which is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre. 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 proposed use would not generate adverse environmental impact on the surrounding areas.

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 15.5.2023
Appendix Ia	FI received on 7.7.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Drawing A-3	Vehicle Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2023**