

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/486

- Applicant** : China Success Management Limited represented by Metro Planning and Development Company Limited
- Site** : Various Lots in D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 4,946m² (including about 100m² of GL (about 2.02%))
- 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
- Zonings** : (i) “Commercial (4)” (“C(4)”) (about 18%);
[restricted to a maximum plot ratio of 3 and a maximum building height of 50mPD]
- (ii) “Open Space” (“O”) (about 16%); and
- (iii) area shown as ‘Road’ (66%)
- Application** : Temporary Vehicle Service Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle service centre for a period of three years at the application site (the Site) (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), while all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Lau Fau Shan Road, and the two ingress/egress points are at the northeastern and eastern parts of the Site (**Plans A-2 and A-3**). According to the applicant, the five temporary structures/open sheds (3.5m to 8m high, one to two storeys) with a floor area of not more than 3,662m² are used for work bays, warehouse, site offices, store room, staff rest room, guardroom and toilet. Three parking spaces for container tractors, coaches and

light/medium/heavy goods vehicles (L/M/HGVs) (each of 11m x 3.5m) and two parking spaces for M/HGVs (each of 11m x 3.5m) are provided (**Drawing A-1**). The operation hours are from 8:00 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, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in six previous applications for temporary vehicle service centre use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2022 (details at paragraph 6 below). The Site is a combination of the sites involved in two previous applications, i.e. No. A/HSK/377 covering the northern and western parts of the Site, and No. A/HSK/309 covering the southern and eastern parts of the Site (**Plan A-1**).
- 1.4 Compared with the last two applications No. A/HSK/309 and 377 approved by the Committee on 25.6.2021 and 24.6.2022 respectively, the current application is submitted by the same applicant of the two previous applications. The use and layout of the current application are also the same as the two previous applications. A comparison of the major development parameters of last two applications and the current application is summarised as follows:

Major Development Parameters	Approved Application (A/HSK/309) (a)	Approved Application (A/HSK/377) (b)	Current Application (A/HSK/486) (c)	Difference (c) – [(a) + (b)]
Applied Use	Temporary Vehicle Service Centre for a Period of 3 Years	Renewal of Planning Approval for Temporary Vehicle Service Centre for a Period of 3 Years	Temporary Vehicle Service Centre for a Period of 3 Years	No change in applied use
Site Area	About 3,510m ²	About 1,436m ²	About 4,946m ²	No change
Total Floor Area	About 2,409m ²	About 1,228m ²	About 3,662m ²	+25m²
No. of Structures	4 (open sheds, work bays, warehouse, site offices, storerooms, staff rest room guardroom and toilet)	1 (open shed with site office)	5 (open sheds, work bays, warehouse, site offices, storerooms, staff rest room guardroom and toilet)	No change
Building Height	3.5m to 8m high (1 to 2 storeys)	8m high (2 storeys)	3.5m to 8m high (1 to 2 storeys)	No change
No. of Car Parking Space	3 for container tractor, coach and L/M/HGVs (each of 11m x 3.5m)	2 for M/HGVs (each of 11m x 3.5m)	3 for container tractor, coach and L/M/HGVs and 2 for M/HGVs	No change

		(each of 11m x 3.5m)	
Operation Hours	from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		No change

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 30.8.2023 **(Appendix I)**
- (b) Further Information (FI) received on 22.12.2023* **(Appendix Ia)**
- (c) FI received on 30.1.2024* **(Appendix Ib)**
- (d) FI received on 6.2.2024* **(Appendix Ic)**

**accepted and exempted from publication and recounting requirements*

1.6 On 27.10.2023, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 summarised as follows:

- (a) A number of previous applications for the same applied use have been approved by the Board at the Site. The current application is to combine the sites of applications No. A/HSK/309 and 377 so that one set of FSIs can serve the entire Site.
- (b) The applied use is intended to provide vehicle inspection, car washing, vehicle handover and vehicle repair services for L/M/HGVs, coaches and container tractors for open storage and port back-up uses in the vicinity. No vehicle spraying activities will be carried out at the Site.
- (c) The applied use is not incompatible with the surrounding environment. Similar planning applications for open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (d) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones. The impacts on environment, traffic and drainage are expected to 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 Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPG PG-No.31A are not applicable to the GL portion.

4. Town Planning Board Guidelines

On 14.4.2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). The Site falls within the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

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

6. Previous Applications

6.1 The Site is involved in six previous applications (No. A/YL-HT/923 and 1054 and A/HSK/28, 172, 309 and 377) for temporary vehicle service centre use covering different extents of the Site which were approved by the Committee between 2014 and 2022, mainly on similar considerations that the applied/proposed uses were not incompatible with the surrounding areas and no major adverse comments from concerned government departments. However, three of the planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6.2 The last two applications No. A/HSK/309 and 377 were approved by the Committee on 25.6.2021 and 24.6.2022 respectively for a period of three years but the permissions were subsequently revoked on 25.9.2023 and 17.11.2023 respectively due to non-compliance with time-limited approval conditions regarding the submission and/or implementation of FSI's proposal.

7. Similar Applications

There are two similar applications for temporary vehicle repair workshop within the subject "C(4)" zone in the past five years. Both of them were approved with conditions by the Committee in 2022 and 2023 respectively based on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Lau Fau Shan Road via local track; and
- (b) currently used for the applied use without valid planning permission.

8.2 The surrounding areas are predominantly occupied by logistics centres, vehicle repair workshops and storage facility, and some residential dwellings. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intentions

- 9.1 The planning intention of the “C(4)” zone 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.
- 9.2 The planning intention of the “O” zone is intended 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.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV** and **V** respectively.
- 10.2 The following government department does not support the application.

Environment

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

- (a) he does not support the application because there are sensitive uses in the vicinity of the site (the nearest residential dwelling being about 34m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) no environmental complaints pertaining to the Site were received in the past three years; and
- (c) should the application be approved, the following approval condition shall be adopted:

no vehicle spraying activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period.

11. Public Comment Received During Statutory Publication Period

On 8.9.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary vehicle service centre for a period of three years at the Site zoned “C(4)” (about 18%) and “O” (about 16%), and partly within an area shown as ‘Road’ (about 66%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “C(4)” and “O” zones, the Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services have 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.

- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly logistics centres, vehicle repair workshops and storage facility, with some residential dwellings (**Plan A-2**).
- 12.3 The applied use is generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and six previous planning approvals involving the Site for temporary vehicle service centre had been granted from 2014 to 2022. While the planning permissions granted under the last two applications No. A/HSK/309 and 377 covering two different parts of the Site were revoked due to non-compliance with the time-limited approval conditions regarding submission and/or implementation of FSIs proposal, relevant proposal has been submitted in the current application and the Director of Fire Services has no objection to the application. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should it fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration may not be given to any further applications.
- 12.4 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 34m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles thus environmental nuisance is expected, there was no environmental complaint pertaining to the Site received 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 nuisance on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Given six previous approvals for temporary vehicle service centre use had been granted for the Site between 2014 and 2022 and two similar applications had been approved by the Committee in 2022 and 2023, approval of the current application is generally in line with the previous decisions of the Committee.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary vehicle service centre could be tolerated for a period of three 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 three years until **16.2.2027**. 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 8:00 a.m., as proposed by the applicant, is

allowed on the site during the planning 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 existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) no vehicle spraying activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **16.5.2024**;
- (f) the submission of a revised 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 **16.8.2024**;
- (g) the implementation of the revised 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 **16.11.2024**;
- (h) if any of the above planning condition (a), (b), (c) or (d) 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 (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 reasons for rejection is suggested for Members' reference:

- (a) the applied use is not in line with the planning intentions of the "C(4)" and "O" zones which are primarily for commercial developments functioning as territorial business/financial centre and regional or district commercial/shopping centre and 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 respectively. There is no strong justification in the submission for a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

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 30.8.2023
Appendix Ia	FI received on 22.12.2023
Appendix Ib	FI received on 30.1.2024
Appendix Ic	FI received on 6.2.2024
Appendix II	Relevant Extract of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2024**