

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/492

- Applicant** : Grandway Investment Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 826 S.B RP (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,360m² (including about 910 m² of GL (about 27%))
- 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** : “Open Space” (“O”)
- Application** : Renewal of Planning Approval for Temporary Vehicle Service Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary vehicle service centre for a period of three years (**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). The Site is currently used for the applied use with valid planning permission until 26.1.2024.
- 1.2 The Site is accessible from Ping Ha Road via an unnamed local road, and the ingress/egress point is at the northern part of the Site (**Plans A-2 and A-3**). According to the applicant, there are two temporary structures (one to two storeys, not more than 3m to 7.6m high) with a total floor area of about 1,218m² for work bays, warehouse, site office, toilet and guard room uses. A total of 16 parking spaces for medium/heavy goods vehicles, container tractors and coaches (each of 12m x 3.5m) and four parking spaces for private cars (each of 5m x 2.5m) are provided (**Drawing A-2**). The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the access leading to the Site, site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant

are at **Drawings A-1 to A-4** respectively.

1.3 The Site is involved in ten previous planning applications for various temporary public car/vehicle park or vehicle service centre uses approved by the Board/the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2020 (details at paragraph 6 below). Compared with the last application No. A/HSK/263 approved with conditions on 4.12.2020, the current application is submitted by the same applicant for the same use with the same layout at the same site.

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

- (a) Application Form with attachments received on 16.10.2023 **(Appendix I)**
- (b) Further Information (FI) received on 24.10.2023 **(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) Four previous applications for the same use at the Site have been approved by the Board since 2014. The current application is to seek renewal of planning approval under the last approved application No. A/HSK/263. All time-limited approval conditions of the previous application have been fulfilled.
- (b) The applied use is not incompatible with the surrounding environment. Similar planning applications for vehicle service centre have been approved by the Board in the adjoining areas.
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone. The impacts in terms of environment, traffic and drainage aspects are expected to be insignificant. No vehicle spraying activity will be carried out at the Site.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information will be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31B are not applicable to the GL portion.

4. Town Planning Board Guideline

4.1 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 extracts of the Guidelines are attached at **Appendix II**.

4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and

Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

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

6. Previous Applications

6.1 The Site is involved in ten previous applications for various temporary public car/vehicle park or vehicle service centre uses covering different extents of the Site. Amongst them, six applications (No. A/YL-HT/172, 382, 581, 630, 696 and 867) for various temporary public car/vehicle park uses and four applications (No. A/YL-HT/902 and 938 and A/HSK/42 and 263) for the same applied use were approved by the Committee/the Board between 2001 and 2020 mainly on considerations that the applied/proposed use was not incompatible with the surrounding areas and there were no major adverse comments from concerned government departments. However, three of the planning permissions (i.e. A/YL-HT/581, 630 and 867) were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1b**.

6.2 The last application No. A/HSK/263 was approved with conditions by the Committee on 4.12.2020 for a period of three years with validity up to 26.1.2024. All time-limited approval conditions have been complied with.

7. Similar Applications

There are two similar applications involving vehicle service centre, vehicle inspection and repair workshop uses within/straddling the subject "O" zone in the past five years. Both application were approved with conditions by the Committee in 2019 and 2021 respectively on similar considerations as stated in paragraph 6.1 above. However, both the planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Ping Ha Road via an unnamed local road; and
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, vehicle repair workshop, logistics centre and car parks. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

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

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 V and VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 24.10.2023, 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 renewal of planning approval for temporary vehicle service centre for a period of three years at the Site zoned “O” on the OZP. 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 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 open storage yards, vehicle repair workshop, logistics centre and car parks (**Plan A-2**).

12.3 The applied use is generally in line with the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and four previous planning approvals for the same applied use had been granted from 2014 to 2020. For the last approved application, all 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 the same layout. In this regard, sympathetic consideration may be given to this application.

12.4 The application is considered generally in line with TPB PG-No. 34D in that there is no major change in planning circumstances; all approval conditions under the previous approval have been complied with; there is no adverse departmental comment on the renewal application and the three-year approval period sought which is the same as the last approval granted by the Committee is not unreasonable.

12.5 There is no adverse comment from the concerned government departments including the Director of Environmental Protection, Commissioner for Transport,

Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application regarding environmental, traffic, fire safety and drainage aspects respectively. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.

- 12.6 Ten previous applications for various temporary public car/vehicle park or vehicle service centre uses involving the Site had been approved between 2001 and 2020 and two similar applications had been approved by the Committee/the Board in the past five years. Approval of the current application is generally in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the temporary vehicle service centre for a further 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, and be renewed **from 27.1.2024 until 26.1.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle spraying activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.4.2024**;
- (d) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.7.2024**;
- (e) the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.10.2024**;
- (f) if any of the above planning condition (a) or (b) 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
- (g) If any of the above planning condition (c), (d) or (e) 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.

[Approval condition (c) is the same as that under the permission for application No. A/HSK/263 while approval conditions on the maintenance of fire service installations under the permission for application No. A/HSK/263 are replaced by approval conditions (d) and (e); and restriction on operation hours, queuing back and reversing movement of vehicles, maintenance of existing fencing and maintenance of existing landscape planting have been removed as per the latest practice.]

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of the application.

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 16.10.2023
Appendix Ia	FI received on 24.10.2023
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Relevant Extract of TPB PG-No. 34D
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**