

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/498

- Applicant** : 永樂昌有限公司 represented by 海願規劃有限公司
- Site** : Lot 1225 (Part) in D.D. 124, San Sang Tsuen, Tin Ha Road, Hung Shui Kiu, New Territories
- Site Area** : About 2,050m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Open Space” (“O”) (about 49%);
“Other Specified Uses” annotated “Enterprise and Technology Park” (“OU(ETP)”) (about 43%); and
[*Restricted to a maximum plot ratio of 5 and a maximum building height (BH) of 90mPD*]
“Village Type Development” (“V”) (about 8%)
[*Restricted to a maximum BH of 3 storeys (8.23m)*]
- Application** : Temporary Public Vehicle Park (Excluding Container Vehicle) and Storage of Vehicle Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (excluding container vehicle) and storage of vehicle parts for a period of three years (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (Excluding Container Vehicle)’ is always permitted within the “OU(ETP)” zone, whereas 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 uses with valid planning permission.
- 1.2 The Site is accessible from Kong Sham Western Highway via a local track, and the ingress/egress point is at the western part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, two parking spaces for private cars and eight parking spaces for medium goods vehicles (MGVs) will be provided within the Site to serve the parking needs in the area. There will be two temporary structures (6m/ one-to-two-storey high) with a total floor area of about 341m² for storage of vehicle parts

and site office uses. There will also be two other single-storey temporary structures (3m high) with a total floor area of about 30m² for caretaker's office and washroom uses. An area of about 200m² at the southeastern part of the Site will be dedicated for open storage of vehicles parts, whereas a 12m-manoeuvring circle will be provided at the western part of the Site. No workshop activities will be carried out and there will be no storage of combustible materials or toxic substances at the Site. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The layout plan, vehicular access plan, drainage plan and fire service installations (FSIs) plan submitted by the applicant are shown on **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of three previous applications including two applications for temporary public vehicle park and/or open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2022 respectively (details at paragraph 5 below). Compared with the last previous application No. A/HSK/381, the current application is submitted by the same applicant at a similar site for the same uses with similar layout and different development parameters. Comparison of the major development parameters between the previous application and the current application is summarised as follows:

Major Development Parameters	Previous Application (No. A/HSK/381) (a)	Current Application (No. A/HSK/498) (b)	Difference (b) - (a)
Applied Use	Temporary Public Vehicle Park (Excluding Container Vehicle) and Storage of Vehicle Parts (3 years)		No change
Site Area	2,025m ²	2,050m ²	+ 25m ² (+1.2%)
No. of Structures	8	4	-4 (-50%)
Total Floor Area	128m ²	371m ²	+ 243m ² (+190%)
Number of parking spaces	2 for private cars; 10 for MGVs	2 for private cars; 8 for MGVs	No change for private cars; -2 for MGVs
Operation Hours	8:00 a.m. to 8:00 p.m., Mondays to Saturdays; no operation on Sundays and public holidays	8:00 a.m. to 8:00 p.m., Mondays to Saturdays; no operation on Sundays and public holidays	No change

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

- (a) Application Form with attachments received on 1.11.2023 **(Appendix I)**
- (b) Supplementary Information (SI) received on 9.11.2023 **(Appendix Ia)**
- (c) Further Information (FI) received on 16.1.2024* **(Appendix Ib)**

**Accepted and exempted from publication and recounting requirements*

- 1.5 On 22.12.2023, at the request of the applicant, the Committee agreed to defer making a decision on the application for two months to allow time for the applicant to address departmental comments.

2. Justifications from the Applicant

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

- (a) the applied uses are temporary in nature which would not jeopardise the long-term planning intention of the Site;
- (b) the applied uses of the current application are the same as the previous application No. A/HSK/381. Only minor changes are proposed to the site boundary, internal layout and scale of structures in the current application;
- (c) the Site is subject to a number of planning permissions and there are similar applications approved in the surroundings;
- (d) the applied uses are not incompatible with the surrounding environment; and
- (e) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity and no storage of combustible materials or toxic substances will be allowed at the Site. The implemented drainage facilities under the last previous application will be maintained. The traffic generation of the applied uses is very low. Therefore, the applied uses have minimal traffic, environmental and drainage impacts to the surrounding areas.

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. 31B) by posting site notice and sending notification letter to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site is involved in three previous applications (No. A/HSK61, 184 and 381). Application No. A/HSK/184 for temporary reinforcing steel processing workshop with ancillary office was approved by the Committee in 2019. Considerations of this application are not relevant to the current application which involves a different use. Applications No. A/HSK/61 and 381 for public vehicle park and/or storage of vehicle parts at the same site were approved by the Committee in 2018 and 2022 respectively for a period of three years mainly on the considerations that temporary approval

would not jeopardise the long-term development of the Site; the applied use was not incompatible with the surrounding areas; and there was no major adverse comment from concerned government departments. However, the planning permission of A/HSK/61 was subsequently revoked on 20.10.2018 due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

- 5.2 The last previous application No. A/HSK/381 was approved by the Committee on 29.7.2022 for a period of three years with validity up to 29.7.2025. The time-limited approval condition regarding the implementation of the FSIs proposal has not yet been complied with, whilst the time-limited approval conditions regarding the submission of condition record of existing drainage facilities and FSIs proposal have already been complied with.

6. Similar Applications

There are four similar applications (No. A/HSK/231, 351, 467 and 483) for temporary warehouse use involving the same “O”, “OU(ETP)” and/ or “V” zones on the OZP in the past five years. All of them were approved with conditions by the Committee between 2020 and 2023 based on similar considerations as mentioned in paragraph 5.1 above. Details of these applications are summarised in **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 Kong Sham Western Highway via a local track; and
- (b) fenced, hard-paved and occupied by the applied uses.

- 7.2 The surrounding areas are predominantly occupied by storage facilities, open storage yards, parking of vehicles, unused land and residential dwellings at the fringe of San Sang Tsuen. Some of these uses are covered with valid planning permissions and some uses are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intentions

- 8.1 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 residential as well as the general public.
- 8.2 The planning intention of the “OU(ETP)” zone is primarily to provide development space for accommodating a variety of innovation and technology uses, including research centre, testing and certification, data centre, modern industries and other related businesses and non-polluting industrial uses.
- 8.3 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses (SHs) by indigenous villagers. It is also intended to concentrate village type development within this zone

for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

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 as there are sensitive receivers of residential use in the vicinity of the Site (the closest dwelling is adjacent to the Site) (**Plan A-2**) and the applied uses involve the use of heavy vehicles. Environmental nuisance is expected;
- (b) there were two substantiated environmental complaints relating to noise issue (received in 2021) concerning the Site received in the past three years. Should the application be approved, the following approval condition should be considered: no repairing, spraying, cleaning and other workshop activities should be allowed; and
- (c) the applicant should be reminded to note his advisory comments in **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 10.11.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the reason that the previous approval conditions have not been fulfilled (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (excluding container vehicle) and storage of vehicle parts for a period of three years at the Site straddling over “O”, “OU(ETP)” and “V” zones on the OZP (**Plan A-1**). Whilst the applied uses are not in line with the planning intentions of the “O” and “V” zones, the Director of Leisure and Cultural Services and the Project Manager (West), Civil Engineering and Development Department have no in-principle objection to/ no comment on the application. The District Lands Officer/Yuen Long of Lands Department also has no adverse comment on the application and advises that there is currently no SH application approved/ under processing in relation to the Site. In this regard, 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 applied uses are considered not entirely incompatible with the surrounding land uses which are predominantly occupied by storage facilities, open storage yards and parking of vehicles at the fringe of San Sang Tsuen (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the closest dwelling is adjacent to the Site) (**Plan A-2**), and the applied uses involve the use of heavy vehicles and thus environmental nuisance is expected. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. 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 surrounding areas.
- 11.4 Given two previous approvals had been granted respectively in 2018 and 2022 for temporary public vehicle park and/or open storage uses, and there are four similar approvals for temporary warehouse and open storage uses involving the subject "O", "OU(ETP)" and/ or "V" zones on the OZP in the past five years, approval of the current application is generally in line with the previous decisions of the Committee.
- 11.5 There is one public comment raising objection to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above 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 comment mentioned in paragraph 10, the Planning Department considers that the temporary public vehicle park (excluding container vehicle) and storage of vehicle parts 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 **15.3.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no repairing, spraying, cleaning and other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) the existing drainage facilities on the site 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **15.6.2024**;

- (d) the provision of fire extinguisher(s) with valid fire certificate (F.S. 251) 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 **26.4.2024**;
- (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 **15.9.2024**;
- (f) in relation to (e) above, the implementation of the 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 **15.12.2024**;
- (g) if any of the above planning condition (a) or (b) 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 (c), (d), (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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied uses are not in line with the planning intentions of the "O", "OU(ETP)" and "V" zones, which are primarily 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, for accommodating a variety for innovation and technology uses, and for development of SHs by indigenous villagers, respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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

Appendix I	Application Form with attachments received on 1.11.2023
Appendix Ia	SI received on 9.11.2023
Appendix Ib	FI received on 16.1.2024

Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Drainage Plan
Drawing A-4	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
MARCH 2024**