

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

APPLICATION NO. A/NE-FTA/239

- Applicant** : Sky Grand Development Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 143 (Part) in D.D. 52, Sheung Shui, New Territories
- Site Area** : 1,218m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : - Draft Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/17 (at the time of submission)
- Approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/18 (currently in force)
- Zoning** : “Other Specified Uses” annotated ‘Port Back-up Uses’ (“OU(PBU)”) [No change to the “OU(PBU)” zone under the current OZP]
- Application** : Proposed Temporary Vehicle Repair Workshop for Private Cars for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary vehicle repair workshop for private cars for a period of three years at the application site (the Site) zoned “OU(PBU)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Vehicle Repair Workshop’ is a Column 2 use in the “OU(PBU)” zone which requires planning permission from the Town Planning Board (the Board). The Site is hard-paved, fenced off and currently vacant.
- 1.2 The Site is accessible via a local track leading to Man Kam To Road (**Plan A-1**). The proposed use consists of three single-storey structures with building height of not exceeding 4.5m and a total floor area of 100m² for a vehicle repair workshop and related site office and toilet uses. Two parking spaces for private cars/light vans and one loading/unloading (L/UL) space for light vans are proposed within the Site. The southern portion of the Site will be used for parking of private cars for repairing. The operation hours of the proposed use are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, and no operation on Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The Site is the subject of three previous applications (No. A/NE-FTA/64, 146 and 210) for proposed temporary open storage or vehicle repair workshop. The last application (No. A/NE-FTA/210) submitted by the same applicant of the current application for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 18.2.2022. The planning permission was revoked due to non-compliance with the approval conditions relating to the submission of a drainage proposal and the provision of the drainage facilities (see paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 28.12.2023 (Appendix I)
 - (b) Supplementary Information (SI) received on 4.1.2024 (Appendix Ia)
 - (c) Further information (FI) received on 5.4.2024^ (Appendix Ib)
 - (d) FI received on 28.5.2024^ (Appendix Ic)
 - (e) FI received on 24.6.2024^ (Appendix Id)
 - (f) FI received on 26.6.2024^ (Appendix Ie)
- ^ accepted and exempted from publication and recounting requirements
- 1.5 On 16.2.2024 and 24.5.2024, the Committee agreed to the applicant's request to defer making a decision on the application for two months each to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ic**, as summarized below:

- (a) the proposed use is in line with the planning intention of the "OU(PBU)" zone;
- (b) the proposed use is not incompatible with the surrounding uses which are mainly open storage uses and port back-up activities. It can meet the demand of vehicle repairing generated by the surrounding open storage and warehouse operations;
- (c) the Site is remote and suitable for vehicle repair workshop use. Only private cars are allowed to enter the Site for repairing works. The proposed use will not pose interference to the overhead lines traversing the Site;
- (d) the planning circumstances of the current application are similar to the approved applications for other port back-up uses in the vicinity of the Site;
- (e) insignificant environmental impact is anticipated as there will be no operation during sensitive hours;
- (f) insignificant traffic and drainage impacts from the proposed use;
- (g) for the previously approved application, as the applicant failed to secure the land tenancy with the landowner to continue his operation at that moment of time, he was unable to implement the drainage proposal, and hence resulted in the revocation of the planning permission. Drainage proposal has been submitted in the current application; and

- (h) to address land administration concerns, the applicant has excluded the GL portion from the site area and Short Term Waiver (STW) will be submitted should the application be approved.

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 sending notice to the Sheung Shui District Rural Committee by registered mail and posting notice at the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use and use for parking of vehicles (No. E/NE-FTA/202 and 203). Two Enforcement Notices were issued on 10.4.2024 requiring discontinuation of the UD. Site inspection on 11.6.2024 revealed that the sites were largely vacant. The sites are under close monitoring.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/NE-FTA/64, 146 and 210) for proposed temporary open storage or vehicle repair workshop. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/NE-FTA/210 submitted by the same applicant as the current application for the same use was approved by the Committee on 18.2.2022 mainly on considerations that the proposed use was not incompatible with the surrounding land uses; and no adverse departmental comment on the application. The permission was revoked on 18.8.2023 due to non-compliance with the approval conditions in relation to the submission of a drainage proposal and the provision of drainage facilities. Compared with the last approved application with the current application, the layout and development parameters of the proposed use are largely the same, except that the GL portion is excluded from the site area (i.e. reduction in site area from 1,230m² to 1,218m² (-12m²/-1%)) and one L/UL space for light van is proposed under the current application.
- 5.3 Applications No. A/NE-FTA/64 and 146 for proposed temporary open storage of construction materials/ metals were rejected by the Committee in 2004 and 2014 respectively, but their planning considerations are not relevant to the current application as they are for different uses.

6. Similar Application

There is no similar application within the same “OU(PBU)” zone in the vicinity of the Site in Fu Tei Au and Sha Ling areas in the past five years.

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

7.1 The Site is:

- (a) hard-paved, fenced off and currently vacant;
- (b) traversed by a 132kV overhead electricity supply line in a northwest-southeast direction; and
- (c) accessible via a local track leading to Man Kam To Road.

7.2 The surrounding areas are intermixed with storages/open storage yards, workshops, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters. To the east of the Site across a local road is a knoll and grave yards within an area zoned “Green Belt” (“GB”) on the OZP.

8. Planning Intention

The planning intention of the “OU(PBU)” zone is intended primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially parking of container vehicles, including container trailers and tractors, and other port back-up uses.

9. Comments from Relevant Government Departments

- 9.1 All the 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 at **Appendices III** and **IV** respectively.
- 9.2 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD):
 - (a) one member of the North District Council (NDC) supports the application as the proposed use could effectively utilize the land and promote commercial activities;
 - (b) the Chairman of Sheung Shui District Rural Committee, three Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Sheung Shui Heung object to the application mainly on the grounds that the proposed use would generate adverse environmental (including air and water pollutions), ecological and traffic impacts; lead to soil contamination and damage natural environment; pose safety threats; and affect fung shui; and
 - (c) four members of the NDC indicate no comment.

10. Public Comments Received During Statutory Publication Period

On 5.1.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix V**). The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. Another comment from an individual objects to the application mainly on the ground that the applicant failed to comply with the drainage conditions under the previous approved application, which is unacceptable as the proposed use would generate toxic discharge and runoff.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary vehicle repair workshop for private cars for a period of three years at the Site zoned “OU(PBU)”. The planning intention of the “OU(PBU)” is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. The proposed use is not entirely in line with the planning intention of the “OU(PBU)” zone. Nevertheless, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “OU(PBU)” zone.
- 11.2 The proposed use is considered not entirely incompatible with the surrounding land uses which comprise mainly storages/open storage yards, workshops, domestic structures and active/fallow agricultural land. Chief Town Planner/Urban Design and Landscape of Planning Department advises that no significant landscape impact arising from the proposed use is anticipated. Other concerned departments consulted, including Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD), Commissioner for Transport, Director of Environmental Protection and Director of Electrical and Mechanical Services, etc., have no adverse comment on/no objection to the application.
- 11.3 The Site is the subject of a previously approved application (No. A/NE-FTA/210) for the same use submitted by the same applicant of the current application. The planning permission was revoked on 18.8.2023 due to non-compliance with the approval conditions relating to the submission of a drainage proposal and the provision of drainage facilities. Compared with the last application, the layout and development parameters of the proposed use in the current application are largely the same, except for the exclusion of GL from the site area and addition of a L/UL bay for light vans. In the current submission, the applicant has submitted a drainage proposal in support of the application. In this regard, CE/MN of DSD has no objection to the application and has no further comment on the submitted drainage proposal.
- 11.4 Regarding the local comments conveyed by DO(N) of HAD and public comments on the application as detailed in paragraphs 9 and 10 respectively, government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account local comment conveyed by DO(N) of HAD and public comments as detailed in paragraphs 9.2 and 10 respectively, 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 three years until 19.7.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted 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 19.4.2025;

- (b) in relation to (a) above, the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period;
- (c) 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 19.1.2025;
- (d) in relation to (c) 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 19.4.2025;
- (e) if the above planning condition (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
- (f) if any of the above planning condition (a), (c) or (d) is not complied with by the 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 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 proposed use is not in line with the planning intention of the "OU(PBU)" zone which is intended primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. There is no strong justification in the submission to justify 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 the 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 applicants.

14. Attachments

Appendix I	Application Form with attachments received on 30.12.2023
Appendix Ia	SI received on 4.1.2024
Appendix Ib	FI received on 5.4.2024
Appendix Ic	FI received on 28.5.2024
Appendix Id	FI received on 24.6.2024

Appendix Ie	FI received on 26.6.2024
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2024**