

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/398

- Applicant** : Mr. CHAN Yun Lam represented by R-riches Property Consultants Limited
- Site** : Lot 2170 RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,143 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10 currently in force
- Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9 at the time of submission
- Zonings** : “Commercial/Residential” (“C/R”) (about 713 m² or 62% of the Site) and “Recreation” (“REC”) (about 430 m² or 38% of the Site)
[Restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m) for “C/R” zone]
[No change to the zonings under the current OZP]
- 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 3 years at the application site (the Site) (**Plan A-1**). The Site falls partly within the “C/R” zone and partly within the “REC” zone on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently fenced-off, hard-paved and occupied by the applied use without valid planning permission. Parking of vehicles and/or vehicles waiting for repair including heavy vehicles is also observed at the Site (**Plans A-4a and 4b**).
- 1.2 As shown on the layout plan at **Drawing A-3**, 4 temporary structures (1 to 2 storeys and 3 to 7 m high) are proposed on site for vehicle repair workshop, storage of goods/tools and site office uses. The total gross floor area is about 483 m². The ingress/egress is located at the southeastern boundary of the Site and the Site is accessible via Deep Bay Road. There will be 3 private car parking spaces and 1 loading and unloading space for light goods vehicle on site. According to the

applicant, the operation hours are from 9 a.m. to 6 p.m. from Mondays to Saturdays but no operation on Sundays and public holidays. The estimated maximum number of visitors are about 10 each day and they are required to make appointment in advance to access the Site. No repair of medium or heavy goods vehicles including container tractors/trailers will be involved in the operation. The vehicular access plan, land status plan and layout plan are at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with attachments received on 13.4.2021 (**Appendix I**)
- (b) Further Information (FI) received on 21.5.2021 responding (**Appendix Ia**) to the comments of Environmental Protection Department and clarifying on the type of vehicles entering/exiting or to be stored/parked at the Site (*exempted from publication requirements*)

2. Justifications from the Applicant

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

- (a) The Site partly falls within an area zoned “C/R” and partly falls within an area zoned “REC”. Since the application is only on a temporary basis, it will not jeopardise the long-term planning intentions.
- (b) The applied use is to provide convenience for the nearby residents and workers.
- (c) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer can be parked/stored at the Site or entering/exiting the Site. Moreover, no dangerous goods will be stored at the Site.
- (d) The applied use will not generate significant adverse traffic, environmental, landscape and drainage impacts to the surrounding environment.

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

The applicant is not the “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.

4. Background

The Site would be subject to planning enforcement action.

5. Previous Application

The Site does not involve any previous application.

6. Similar Application

There is no similar application on both “C/R” and “REC” zones.

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

7.1 The Site is:

- (a) currently fenced-off, hard-paved and occupied by the applied use without valid planning permission; and
- (b) accessible via Deep Bay Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north, northeast and northwest are parking of vehicles and open storage yards of construction materials, gardening and a marble workshop which are suspected unauthorised developments (UDs);
- (b) to the west are a storage yard and parking of vehicles which are suspected UD, and to its further west are residential dwellings (the closest one is about 42.7 m away), village office, as well as car park and restaurants;
- (c) to the south are a car park, some shops and parking of vehicles; and
- (d) to the east and southeast are open storage yards of construction materials and vehicle repair workshops which are suspected UD, a car park, as well as vacant and unused land.

8. Planning Intentions

- 8.1 The “C/R” zone is intended primarily for commercial and/or residential development. A selected range of commercial uses are always permitted to serve the local community.
- 8.2 The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the

application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Should planning approval be given to the subject planning application, the lot owner(s) of the lot(s) will need to immediately apply to his office for permitting the structures to be erected or to regularize any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) of any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is/are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road.
- (d) The applicant should be reminded of the detailed comments at **Appendix III**.

Environment

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

- (a) He has no adverse comment on the application.
- (b) No substantiated environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.

Landscaping

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) It is noted that the proposed structures B2, B3 & B4 up to 7 m high are located mainly within the "Commercial/Residential" zone.
- (b) According to the aerial photo of 2020 (**Plan A-3**), the Site is situated in an area of rural coastal plains landscape character predominated by temporary structures, village houses, vehicle parks and tree groups. The applied use is considered not incompatible to the landscape character of the surrounding area.
- (c) According to site photos (**Plans A-4a and 4b**), the Site is a fenced-off hard-paved vehicle park with temporary structures. There is no existing tree within the Site. In view that significant adverse landscape impact to the landscape resources and change to the character arising from the applied use is not anticipated, she has no objection to the application from landscape planning perspective.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated requiring the applicant to submit a drainage proposal and to implement and maintain the proposed drainage facilities to the satisfaction of his department.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction. In consideration of the design/nature of the proposal, FSIs are anticipated to be required.
- (b) The applicant should be reminded of the detailed comments at **Appendix III**.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) The applicant should be reminded of the detailed comments at **Appendix III**.

District Officer's Comments

9.1.9 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals to the application.

9.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Chief Engineer/Land Works, CEDD(CE/LW, CEDD);
- (d) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 20.4.2021, the application was published for public inspection. During the statutory public inspection period, 2 public comments were received from individuals (**Appendices II-1 and II-2**) objecting to the application on the grounds which are summarised below:

- (a) the applied use will generate adverse traffic and environmental impacts and fire safety issue and affect the safety and living quality of villagers; and

- (b) the applied use has occupied the Site for many years and is not in line with the planning intention.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary vehicle repair workshop for a period of 3 years. The Site falls partly within the “C/R” zone (about 62% of the Site), which is intended primarily for commercial and/or residential development, and partly within the “REC” zone (about 38% of the Site), which is intended primarily for recreational developments for the use of the general public. Although the applied use is not in line with the planning intentions of the “C/R” and “REC” zones, there is no known development program for the Site and approval of the application on a temporary basis of 3 years would not jeopardize the long-term planning intentions of the “C/R” and “REC” zones.
- 11.2 The Site is situated in an area of rural coastal plains landscape character predominated by temporary structures, village houses, vehicle parks and tree groups. The applied use is considered not incompatible with the landscape character of the surrounding area.
- 11.3 There is no adverse comment from concerned Government departments, including DEP, C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS. The applied use will unlikely create significant adverse environmental, traffic, landscape, drainage and fire safety impacts to the surrounding areas. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the planning application be approved, the applicant will be advised to follow the latest “COP” in order to minimise the potential environmental nuisance to the surrounding area.
- 11.4 There is no previous application at the Site or similar application within the “C/R” and “REC” zones on the OZP.
- 11.5 There are 2 public comments received objecting to the application on the grounds as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary vehicle repair workshop could be tolerated for a period of 3 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 3 years until **11.6.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 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) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **11.12.2021**;
- (f) in relation to (e) above, the implementation of the 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 **11.3.2022**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 **11.12.2021**;
- (i) in relation to (h) 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 **11.3.2022**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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.

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

the applied use is not in line with the planning intentions of the "C/R" and "REC" zone, which the former is primarily for commercial and/or residential development and the latter is primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from

such planning intentions, even on a temporary basis.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse the planning 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 13.4.2021
Appendix Ia	Further Information received on 21.5.2021
Appendices II-1 and II-2	Public Comments Received During Statutory Publication Period
Appendix III	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Lot Index Plan
Drawing A-3	Layout 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
JUNE 2021**