

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/308

- Applicant** : Elite Motors Limited
- Site** : Lot 3250 S.B. s.s.45 (Part) in D.D. 104, Mai Po, Yuen Long
- Site Area** : About 650m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6 and Approved Nam Sang Wai OZP No. S/YL-NSW/8
- Zoning** : “Commercial/Residential” (“C/R”) (about 65% of the Site)
- [Restricted to a maximum plot ratio of 0.4, a maximum site coverage of 20% and a maximum building height of 3 storeys (9m).]*
- “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) (about 35% of the Site)
- [Restricted to a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park.]*
- Application** : Proposed Temporary Car Testing Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary car testing centre for a period of 3 years at the application site (the Site) (**Plan A-1**) which is partly zoned “C/R” (65%) on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6 and partly zoned “OU(CDWRA)” (35%) on the approved Nam Sang Wai OZP No. S/YL-NSW/8. Car testing centre is neither Column 1 nor Column 2 uses under the “C/R” and “OU(CDWRA)” zones, and temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and fenced off.
- 1.2 The Site is accessible from Fairview Park Boulevard (**Plan A-2**). The site layout and G/F Plan are at **Drawings A-1 and A-2**. The proposed car testing centre has a total gross floor area (GFA) of 668m² with two structures. Structure A is a one-

storey (about 9m high) enclosed sound barrier (with roof and walls) with a GFA of about 650m² which covers the car testing area where all the testing and inspection works will be conducted inside the enclosed area (**Drawing A-2**). The remaining area in Structure A will be used for vehicular manoeuvring space and provision of 10 private car parking spaces. Structure B, which is also covered by Structure A (**Drawing A-1**), is a two-storey (about 6m high) structure with a GFA of 18m² providing reception and waiting room for the customers on G/F with a lounge for the visitors on 1/F.

- 1.3 The proposed car testing centre will serve private cars and light goods vehicles and operate according to the Code of Practice and Tester's Inspection Manual promulgated by the Transport Department (TD). The applicant intends to operate it as a designated car testing centre and will apply to TD for relocation of an existing designated centre in Fanling to the Site if the application is approved. The proposed car testing centre will operate daily (excluding Sunday and public holiday) from 8:30 a.m. to 5:30 p.m.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 31.5.2021 with traffic flow study, assessment of air quality impact, noise impact assessment and response to previous departmental comments **(Appendix I)**
 - (b) Further Information (FI) received on 11.11.2021 providing responses to comments from Transport Department (TD) with an updated site layout plan, swept path analysis and revised vehicle performance assessment **(Appendix Ia)**
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 - (c) FI received on 15.2.2022 providing a revised Noise Impact Assessment (NIA) * **(Appendix Ib)**
 - (d) FI received on 24.2.2022 providing a revised Air Quality Impact Assessment (AQIA) # **(Appendix Ic)**
 - (e) FI received on 1.3.2022 providing responses to public comments * **(Appendix Id)**
 - (f) FI received on 6.4.2022 providing clarification of the assessment reports * **(Appendix Ie)**
- # *not exempted from publication requirement*
* *exempted from publication requirement*
- 1.5 On 23.7.2021, 24.9.2021 and 24.12.2021, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer a decision on the application for a period of two months respectively as requested by the applicant to allow time for the applicant to address departmental comments. After the deferrals, the applicant has made a number of FIs as detailed in paragraph 1.4

above. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) The applicant is a designated car testing centre previously operating in On Lok Tsuen, Fanling. The car testing centre is to inspect private cars and 1.9-tonnes minivans of 7 years or more and issue the required certificates for renewal of vehicle licences. The lease for their car testing centre in Fanling expired in October 2020 and the operation of the car testing centre had stopped completely since then. It is their intention to relocate its operation to the Site for a period of 3 years.
- (b) An application was submitted to TD for approval of relocation of a designated car testing centre operated by the applicant to the Site. TD has requested the applicant for supporting document to prove the Site is suitable for providing car inspection services. The current planning application is therefore submitted for planning permission to operate the proposed car testing centre at the Site. The current application has addressed the departmental and public comments on the applicant's previous application (No. A/YL-MP/301 withdrawn in February 2021).
- (c) The proposed car testing centre is a servicing industry and only vehicle examination services will be carried out on the Site. The car testing service will require advance booking and a staff member will be assigned to monitor the traffic condition to avoid queuing back onto Fairview Park Boulevard. The maximum capacity of car testing is 64 vehicles per day (with an average trip generation rate of 8 pcu/hour) with 2 inspection lines (**Drawing A-3**). The maximum capacity is to inspect 4 vehicles per hour per line. The proposed development will not create significant adverse traffic impacts on the surrounding area according to the Vehicle Performance Assessment (Attachment 8 of **Appendix Ia**).
- (d) No car manufacturing, vehicle maintenance, car beauty and other similar services will be carried out and no dangerous goods will be stored at the Site.
- (e) Technical assessments on air quality and noise impacts have been conducted. The car testing procedures will follow TD's Code of Practice and majority of the procedures will not require starting of the engine and if so, the testing will be in a short duration. The air quality impact of the proposed car test centre on the surrounding area will not be significant.
- (f) With the adoption of noise mitigation measures such as fully sealed building design, structure walls with noise insulation materials, noise absorption fitting out materials, use of plastic hammer for identifying loose symptoms of the vehicle under test, air pump to be embedded underground with lid cover, and use of acoustic camera SoundCam for noise leakage detection, the proposed car testing centre will comply with the relevant noise criteria.
- (g) Further elaboration of the proposal is provided in response to the public concerns (**Appendices Ia and Id**). The applicant has excluded a strip of land along the

southern lot boundary from the application site and reserved it as a footpath for villagers (**Plans A-2 and A-4b**). The owner of the Site has signed a deed of grant with the lot owner of Fairview Park Boulevard for a right of way with payment of maintenance fee for the use of Fairview Park Boulevard (Attachment 2 of **Appendix Ia**).

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

The applicant is not the “current land owner” of the Site 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 giving notification to the “current land owner”. Detailed information will be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

There is no previous application in respect of the Site.

6. Similar Applications

There is no similar application for temporary car testing centre within the same “C/R” or “OU(CDWRA)” zone on the OZPs.

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

7.1 The Site is:

- (a) abutting and accessible from Fairview Park Boulevard; and
- (b) currently vacant, paved and fenced off with 2 structures.

7.2 The surrounding land uses comprise mainly residential developments, with a number of commercial, retail and vehicle servicing shops on both sides of Fairview Park Boulevard:

- (a) to its northeast, east and southeast, northwest and southwest are residential developments including Villa Camellia, Royal Camellia, Kamease Garden, Helene Terrace and Lake Park;
- (b) to the northwest of the Site are a number of vehicle servicing shops, shops and an animal welfare centre; and

- (c) to the north across Fairview Park Boulevard are a vehicle repair workshop and a temporary car trading company (approved under Application No. A/YL-MP/288). Some shops, a pet clinic, a restaurant (with temporary extension of the eating place to cover the area adjoining the existing restaurant approved under Application No. A/YL-MP/314) can also be found.

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 “OU(CDWRA)” zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments 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 II and III** respectively.
- 9.2 The following government departments have specific comments on the application:

Traffic

- 9.2.1 Comments of the Commissioner for Transport (C for T):

Traffic Engineering

- (a) Having considered the application including the FI (**Appendix Ia**) provided by the applicant, he has no comment on the application from the traffic engineering perspective.
- (b) Should the application be approved, a planning condition should be incorporated requiring that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

Car Testing

- (c) The Car Testing Centre Monitoring Unit of TD has no comment on

the application from the car testing centre operational point of view.

- (d) Advisory comments of TD are detailed in **Appendix III**.

Environment

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

- (a) The applicant has submitted the NIA (**Appendix Ib**) and AQIA (**Appendix Ic**) respectively to support the application and committed the implementation of the following key mitigation measures:

Key Noise Mitigation Measures in NIA:

- (i) 3 boundary walls (ie. B2 - B4) (Figure 2.1 of NIA) and the whole roof would be constructed with materials with noise insulation rating of not less than STC35 with no gap such that there is no direct line of sight to the operation of the proposed car testing centre from nearby noise sensitive receivers (NSRs) to the west, south and east of the Site;
- (ii) the air pump will be installed underground and covered by a steel lid; and
- (iii) the ventilation system will be equipped with silencers and acoustic wooden box will be provided to enclose the ventilation system;

Key Air Mitigation Measures in AQIA:

- (iv) the design of the exhaust shall follow the ProPECC notes issued by the Environmental Protection Department for impingement of plumes from boiler chimneys on adjacent buildings. The height of the chimney (exhaust outlet in this case) shall exceed, by at least 3 meters, the height of any nearby buildings and structures to avoid adverse air pollution impact to the surrounding buildings;
- (v) the exhaust outlet will be located away as far as possible from nearby air sensitive receivers (ASRs) to minimise any adverse air quality impact;
- (vi) ventilation system to extract air inside car testing center to the exhaust with air purification system will be installed for ensuring compliance with air quality objectives (AQOs);
- (vii) air pollutants of the exhaust gas streams emitted from the exhaust of the proposed car testing center will be continuously monitored and recorded by a real time air quality monitoring system (AQMS) to ensure that the emission is in compliance with AQOs. Should non-compliance of the air quality criteria (action level), remedial actions will be taken, e.g. shut down

the car testing center, inspection of the air purification system, replacement of the cartridge of purify system in the center; and

(viii) the AQMS will be calibrated quarterly.

- (b) With implementation of the mitigation measures proposed in the NIA and AQIA, it is expected that the proposed use would unlikely cause adverse air and noise impacts on the nearby sensitive receivers. He therefore has no objection to the planning application. Should the application be approved, approval condition requiring implementation of the environmental mitigation measures committed by the applicant in the submitted NIA and AQIA should be imposed in the planning permission.

10. Public Comments Received During Statutory Publication Periods

On 8.6.2021, 23.11.2021 and 1.3.2022, the application and FIs were published for public comments. During the statutory publication periods, 101 public comments (**Appendix IV**) were received from the property management offices of Fairview Park and Royal Camellia, local residents and private individuals. Among the 101 public comments, two public comments are received from individuals supporting the proposed development on the grounds that the car test centre requiring pre-booking for the testing service will not affect the traffic condition in the area and it will provide a convenient service to the nearby residents of Fairview Park, Palm Spring, Tai Sang Wai and San Tin area. The remaining 99 public comments have raised objection/concerns on the application. Their main views are:

- (a) Fairview Park Boulevard is busy with a number of shop and services business and vehicle repair workshops in the area. The proposed car testing centre will increase the traffic flow, aggravating the traffic congestion and illegal parking along Fairview Park Boulevard, affecting the safety and causing noise nuisance to local residents;
- (b) the section of Fairview Park Boulevard fronting the Site is a private road of Fairview Park. The proposed car testing centre will attract additional traffic to the area which will cause damages to the road surface. It is unfair to the residents of Fairview Park to bear the repair cost of the road;
- (c) vehicles leaving Fairview Park Boulevard have to turn before the entrance gate at Fairview Park for accessing to Kam Pok Road, which will further worsen the traffic condition of the area. The management company may refuse outside vehicles from entering the private development; and
- (d) the proposed car testing centre will pose fire risk and cause environmental nuisances, including noise and air pollutants generated from mechanical testing process and causing potential soil contamination.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary car testing centre for a period of 3 years within “C/R” (about 65% of the Site) and “OU(CDWRA)” (about 35% of the Site) zones. Given the nature of the proposed development to provide car testing/inspection services, it is not entirely incompatible with the planning intention of the “C/R” zone which is primarily for commercial and/or residential development and a selected range of commercial uses are always permitted to serve the local community. Although the proposed development is not in line with the planning intention of the “OU(CDWRA)” zone which is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area and to phase out existing sporadic open storage and port back-up uses on degraded wetlands, it is located at the fringe of the “OU(CDWRA)” zone and has been surrounded by existing developments. Therefore, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long term planning intentions of the “C/R” and “OU(CDWRA)” zone.
- 11.2 The Site is located in a residential neighbourhood with commercial/retail and servicing activities and directly accessible to Fairview Park Boulevard. The applicant intends to apply to TD to make use of the Site as a designated car testing centre to provide the needed services. TD has no comment on the application from car testing centre operation point of view. The proposed car testing centre will be housed in an enclosed compound. According to the applicant, the car testing centre will not involve car manufacturing, vehicle maintenance, car beauty and similar services and no dangerous goods will be stored at the Site. A number of vehicle servicing shops, shops and restaurant can be found along Fairview Park Boulevard. The proposed development is therefore considered not entirely incompatible with the surrounding area (**Plan A-2**).
- 11.3 C for T has accepted the traffic flow study submitted by the applicant and has no comment on the application from traffic point of view. DEP has accepted the NIA and AQIA submitted by the applicant and has no objection to the application subject to implementation of the environmental mitigation measures recommended in the above two assessment reports by the applicant; and DAFC has no comment on the application. Other relevant departments including CE/MN, DSD, D of FS, DEMS and CTP/UD&L of PlanD have no objection to or no comment on the application. Technical requirements of C for T, DEP, D of FS and CE/MN of DSD are imposed through approval conditions in paragraphs 12.2 below.
- 11.4 Regarding the public comments on the application as detailed in paragraph 10 above, the departmental comments and planning considerations and assessments above are relevant. Regarding the public comment on the usage of Fairview Park Boulevard, the applicant has clarified that the owner of the Site has signed an agreement with the lot owner of Fairview Park Boulevard for a right of way on the road.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary car testing centre 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 22.4.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:30p.m. and 8:30a.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 vehicle other than private car and 1.9-tonne minivan is allowed to enter/park at the Site at all times during the planning approval period;
- (d) no car manufacturing, vehicle maintenance, workshop activity or car beauty or similar services and storage of dangerous goods are allowed on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a report on the implementation of the environmental mitigation measures as submitted in the Noise Impact Assessment and Air Quality Impact Assessment by the applicant within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 22.10.2022;
- (g) 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 22.10.2022;
- (h) in relation to (g) 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 22.1.2023;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.10.2022;

- (k) in relation to (j) above, the implementation of fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.1.2023;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (i) 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
- (m) if any of the above planning conditions (f), (g), (h), (j) or (k) 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 attached at **Appendix III**.

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

the proposed development is not in line with the planning intention of the "Commercial/Residential" ("C/R") zone, which is primarily for commercial and/or residential development, and "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone, which is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. There is no strong planning justification in the submission for a departure from the planning intention of the "C/R" and "OU(CDARA)" zones, 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 received on 31.5.2021
Appendix Ia	FI received on 11.11.2021
Appendix Ib	FI received on 15.2.2022
Appendix Ic	FI received on 24.2.2022
Appendix Id	FI received on 1.3.2022
Appendix Ie	FI received on 6.4.2022
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawing A-1	Layout Plan
Drawing A-2	G/F Layout Plan
Drawing A-3	Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2022**