

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-MP/365**

- Applicant** : Eight Gold Limited represented by Alex Lam and Associates Building Consultants Limited
- Site** : Lots 2239 S.B, 2239 S.C, 2239 S.D, 2239 S.E, 2239 S.F, 2239 S.G RP, 2239 S.H RP and 2239 RP in D.D. 104, Mai Po, Yuen Long, New Territories
- Site Area** : 1,070m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8  
(*currently in force*)
- Approved Mai Po & Fairview Park OZP No. S/YL-MP/6  
(*at the time of submission*)
- [the zoning and development restrictions of the application site remain unchanged on OZP No. S/YL-MP/8]
- Zoning** : “Village Type Development” (“V”) (about 83%) and “Commercial/Residential” (“C/R”) (about 17%)
- Application** : Temporary Automatic Car Washing Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary automatic car washing centre for a period of three years at the application site (the Site), which falls within an area mainly zoned “V” (about 83%) with a small portion (about 17%) zoned “C/R” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 1 use and is always permitted within the “C/R” zone; while ‘Shop and Services’ is a Column 2 use of the “V” zone (except on the ground floor of a New Territories Exempted House (NTEH)) which requires planning permission from the Town Planning Board (the Board). The Site is hard paved, fenced and currently used for the applied use without valid planning permission (**Plans A-3 and A-4a to 4b**).

- 1.2 The Site is accessible from its south with an 8m-wide ingress/egress connecting to Fairview Park Boulevard (**Drawing A-1 and Plan A-2**). According to the applicant, the applied use involves eight structures of one to two storeys with heights not more than 5m and a total floor area of about 831m<sup>2</sup> for two covered automatic car washing areas with 17 spaces, customer service counter, car beauty services area, and other ancillary facilities including storage room, meeting room, works area, sewage treatment system, biological wastewater treatment system, cesspool and utility room. Besides, there is also a temporary car queuing area within the Site (**Drawing A-1**). The applied use only involves car washing and car beauty services to private cars, with operation hour of 24 hours each day from Mondays to Sundays (including public holidays).
- 1.3 The Site, in whole or in part, is the subject of three previous applications (**Plan A-1**). The last application No. A/YL-MP/294 for the same use at the same site submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021. Subsequently, the planning permission was revoked on 5.5.2023 due to non-compliance with the approval conditions relating to the submission and provision of a run-in/run-out proposal, and submission and implementation of a drainage proposal. Details of the previous applications are given in paragraph 5 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 7.2.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 5.6.2024\* (**Appendix Ia**)
  - (c) FI received on 2.10.2024\* (**Appendix Ib**)
- \*accepted and exempted from the publication and recounting requirements*
- 1.5 On 5.4.2024 and 2.8.2024, the Committee agreed to defer making a decision on the application for two months each as requested by the applicant.

## **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 Ib** and can be summarised as follows:

- (a) The Site is the subject of a previously approved application No. A/YL-MP/294 for the same use. The applied use only involves car washing and car beauty services for private cars. As compared with the last application, the current application has a largely similar layout except that a single-storey works area adjoining the Site entrance is replaced by a temporary car queuing area. Such change can ensure that private cars will not queue back to Fairview Park Boulevard and the potential traffic impacts on the surrounding road network will be minimised.
- (b) Sufficient spaces for vehicle manoeuvring are provided within the Site. In addition, the Site entrance is about 8m from Fairview Park Boulevard which could ensure that drivers' view to/from Fairview Park Boulevard will not be affected.
- (c) The existing drainage and water treatment system adopted under the previously approved application No. A/YL-MP/294 would remain unchanged. All sewage

are treated properly through septic tank and soak away pit in accordance with Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 1/23 'Drainage Plans subject to Comment by EPD'. For the surface run-off and wastewater generated by the applied use, they are drained into a large underground water tank at the Site, and hence disposed from time to time by a 20 gallons waste water truck to government sewage plant. No wastewater will be discharged to nearby streams or government nullahs.

- (d) The applicant would apply to the Lands Department (LandsD) for a Short Term Waiver (STW) to permit the structures erected at the Site if the current application is approved.

### **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

### **4. Background**

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

### **5. Previous Application**

- 5.1 The Site, in whole or in part, is the subject of three previous applications (No. A/YL-MP/17, 117 and 294). Applications No. A/YL-MP/17 and 117 for proposed public car/lorry park and proposed temporary open storage of vehicles respectively are not relevant to the current application.
- 5.2 The last application No. A/YL-MP/294 for the same use at the same site submitted by the same applicant was approved with conditions by the Committee on 5.2.2021 for a period of three years, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the "V" zone; the applied use was considered in line with the planning intention of the "C/R" zone and was not incompatible with the surrounding areas; and concerned government departments had no objection to or no adverse comment on the application. The planning permission under application No. A/YL-MP/294 was subsequently revoked on 5.5.2023 due to non-compliance with the approval conditions relating to the submission and provision of a run-in/run-out proposal, and submission and implementation of a drainage proposal.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

### **6. Similar Application**

During the past five years, there was no similar application within the same "V" and "C/R" zones.

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

7.1 The Site is:

- (a) hard paved, fenced and currently used for the applied use without valid planning permission; and
- (b) accessible from Fairview Park Boulevard to the south.

7.2 The surrounding areas are predominantly occupied by open storage yards, warehouses, vehicle repair workshops, petro filling station and town gas facility, low-rise residential structures, grassland and vacant land.

## **8. Planning Intention**

8.1 The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

8.2 The planning intention of the “C/R” zone is for commercial and/or residential development. A selected range of commercial uses are always permitted to serve the local community.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other government 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 has adverse comment on the application:

### **Land Administration**

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

- (a) he has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 2239 S.B, 2239 S.C, 2239 S.D, 2239 S.E, 2239 S.F, 2239 S.G RP, 2239

S.H RP and 2239 RP in D.D. 104 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected with the prior approval of the Government;

- (c) LandsD has reservation on the planning application since there is/are unauthorised structure(s) or uses on the private lots which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD;
- (d) if the planning application is approved, the lot owner(s) shall apply to LandsD for a STW to permit the structure(s) erected within the said private lots. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) there is no SH application approved or under processing at the Site; and
- (f) advisory comments as detailed in **Appendix IV**.

## **10. Public Comments Received During the Statutory Publication Period**

On 23.2.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix V**), including one from the Owners Committee of Royal Palm Phase B raising objection to the application mainly on the grounds that the applied use would increase the traffic load and induce traffic congestion, and would cause ecological impact. The remaining one was from an individual expressing concerns that the previous planning permission pertaining to the Site was revoked due to non-compliance of approval conditions related to the drainage and traffic aspects.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary automatic car washing centre for a period of three years at the Site mainly zoned “V” (about 83%) with a small portion zoned “C/R” (about 17%) on the OZP. While the applied use is always permitted within “C/R” zone, planning permission from the Board is required for the applied use within “V” zone on the OZP (**Plan A-1**). The planning intention of the “V” zone is primarily for development of SHs by indigenous villagers, and certain commercial, community and recreational uses may be permitted on application to the Board. Although the applied use is not entirely in line with the planning intention of the “V” zone, DLO/YL of LandsD advises that there is currently no SH application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. It is considered that the approval of the application

on a temporary case for three years would not jeopardise the long-term planning intention of the “V” zone.

- 11.2 The applied use is considered not incompatible with the surrounding areas which are predominantly occupied by open storage yards, warehouses, vehicle repair workshops, petro filling station and town gas facility, low-rise residential structures, grassland and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers that no significant landscape impact arising from the applied use is anticipated and has no objection to the application from landscape planning perspective.
- 11.3 Regarding DLO/YL of LandsD’s concern on the authorised structure(s) and/or uses on the concerned lots within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Agriculture, Fisheries and Conservation have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Site is the subject of a previously approved application (No. A/YL-MP/294) for the same applied use at the same site submitted by the same applicant as detailed in paragraph 5 above and the planning permission was subsequently revoked on 5.5.2023 due to non-compliance with approval conditions. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further application.
- 11.5 Regarding the public comments as stated in paragraph 10 above, the planning considerations and departmental comments above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comments mentioned in paragraph 10, PlanD has no objection to the application 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 22.11.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) 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 22.5.2025;

- (b) in relation to (a) 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 22.8.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 22.5.2025;
- (e) in relation to (d) 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 22.8.2025;
- (f) the submission of a run-in/run-out proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 22.5.2025;
- (g) in relation to (f) above, the provision of the run-in/run-out within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 22.8.2025;
- (h) if the above planning condition (c) 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;
- (i) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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 applied use is not in line with the planning intention of "V" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for 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 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**

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| <b>Appendix I</b>        | Application Form with attachments received on 7.2.2024 |
| <b>Appendix Ia</b>       | FI received on 5.6.2024                                |
| <b>Appendix Ib</b>       | FI received on 2.10.2024                               |
| <b>Appendix II</b>       | Previous Applications                                  |
| <b>Appendix III</b>      | Government Departments' General Comments               |
| <b>Appendix IV</b>       | Recommended Advisory Clauses                           |
| <b>Appendix V</b>        | Public Comments  |
| <b>Drawing A-1</b>       | Layout Plan  |
| <b>Plan A-1</b>          | Location Plan with Previous Application                |
| <b>Plan A-2</b>          | Site Plan  |
| <b>Plan A-3</b>          | Aerial Photo   |
| <b>Plans A-4a and 4b</b> | Site Photos  |

**PLANNING DEPARTMENT  
NOVEMBER 2024**