

RNTPC Paper No. A/YL-MP/366
For Consideration by
the Rural and New Town
Planning Committee
on 24.5.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/366

- Applicant** : Fung Yuen (HK) Technology Limited represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lot 3278 RP in D.D. 104, Mai Po, Yuen Long
- Site Area** : About 267m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/7
- Zoning** : “Commercial/Residential” (“C/R”)
[restricted to a maximum plot ratio of 0.4, a maximum site coverage of 20% and a maximum building height of 3 storeys (9m)]
- Application** : Temporary Vehicle Repair Workshop with Ancillary Office and Storage Use for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop with ancillary office and storage use for a period of three years at the application site (the Site) which falls within an area zoned “C/R” on the draft Mai Po and Fairview Park OZP No. S/YL-MP/7 (**Plan A-1**). According to the Notes of the OZP for “C/R” zone, ‘Vehicle Repair Workshop’ is neither a Column 1 nor Column 2 uses. 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 planning permission from the Board. The Site is currently hard paved and fenced-off and being used for the applied use without valid planning permission.
- 1.2 The applied use involves one existing shelter structure with a covered area of about 220m² and a height of 8m. Under the shelter are five other one to two-storey existing structures (not more than 8m in height) with a total floor area of about 96m² for vehicle repair workshop, office, storage and reception (**Drawing A-1**). Only one private car is allowed to be serviced at the repair workshop area at the same time. No heavy vehicle are allowed to enter the Site. One parking space and one loading/unloading bay for private cars are also

provided under the shelter structure. The operation hours of the applied use is between 10:00 a.m. and 6:00 p.m. from Mondays to Saturdays excluding Sunday and public holidays. The Site is directly accessible to Fairview Park Boulevard via a local track with an ingress/egress (about 9m wide) located at its northern part (**Plan A-2**).

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

(a) Application form received on 3.4.2024.

(Appendix I)

(b) Further Information (FI) received on 21.5.2024 *

(Appendix Ia)

Remark: * accepted and exempted from publication and recounting requirements

2. Justifications from the Applicant

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

- (a) The applied use is temporary in nature and will not frustrate the long-term planning intention of the “C/R” zone. The development is compatible with the surrounding areas and can serve the needs of nearby residents.
- (b) No significant traffic, environmental, landscape, visual and drainage impacts are anticipated. The applicant will follow relevant requirements in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) issued by Director of Environmental Protection (DEP) to minimise any potential environmental impacts.
- (c) The applied use will not induce significant light and noise pollution to the surrounding areas. No neon sign will be installed at the Site. No audio amplification system will be used to minimise possible nuisance. Fence wall with noise absorbing materials will be provided along the Site boundary except for the northern part near the ingress/egress.
- (d) The applicant will rectify the unauthorised building works (UBW) at the Site as soon as possible and will submit Short Term Waiver application to Lands Department (LandsD) for the erection of the proposed structures.

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

The applicant is not a “current land owner” of the private lot within the Site but has complied with the requirement 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 notice to the San Tin Rural Committee. 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

There is no previous application covering the Site.

6. Similar Application

There is no similar application for vehicle repair workshop use within the subject “C/R” zone on the OZP in the past five years.

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

7.1 The Site is:

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

7.2 The surrounding areas are intermixed with low-rise residential development, residential dwellings, shop and services, vehicle repair workshops, petrol filling station, car washing centre and open storage yard. Castle Peak Road – Tam Mi, Fairview Park Interchange and San Tin Highway are located to the east of the Site. To the immediate south of the Site separated by a boundary wall is the residential development of Meister House.

8. Planning Intention

The planning intention of “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.

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 II and III** respectively.

9.2 The following government department has the following comments on the application:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lot No. 3278 RP in D.D. 104 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) He has reservation on the application since there is/are unauthorised structure(s) or uses on the private lot which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularize the lease breaches as demanded by LandsD.
- (c) Should planning approval be given to the application, the lot owner(s) shall apply to his office for a Short Term Wavier (STW) to permit the structure(s) erected within the said private lot. 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.

10. Public Comments Received During Statutory Publication Period

On 12.4.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary vehicle repair workshop with ancillary office and storage use for a period of three years at the Site within the “C/R” zone on the OZP. The planning intention of the “C/R” zone is intended primarily for commercial and/or residential development, and selected range of commercial uses are always permitted to serve the local community. Although the applied use is not entirely in line with the planning intention of the “C/R” zone, the temporary vehicle repair workshop is intended to serve the needs of the nearby residents. Besides, there is no known long-term development proposal at the Site, and approval of the application on a temporary basis of a period of three years would not frustrate the long-term planning intention of the “C/R” zone.
- 11.2 The Site is located at the fringe of the “C/R” zone near the Fairview Park Interchange. According to the applicant, the applied use can serve the needs of car repair services of the local residents. The applied use is small in scale which is

considered not incompatible with the surrounding land uses with low-rise residential development, residential dwellings, shop and services, vehicle repair workshops, petrol filling station, car washing centre and open storage yard. Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective.

- 11.3 The Site is located in vicinity to the surrounding residential development, separated by the boundary wall of the residential development to the south of the Site (**Plan 2 and Photo 3 of A-4a**). In this regard, in order to minimise potential environmental impact of the applied use on the surrounding areas, the applicant committed that no neon sign will be installed at the Site and no audio amplification system will be used. In addition, only one private car would be allowed to be serviced in the workshop area at the same time and no heavy vehicle will be allowed to enter the Site. The operations would also be undertaken at the covered area of the Site and fence wall with noise absorbing materials will be provided along the Site boundary to minimise possible noise nuisance. Besides, according to the Director of Environmental Protection (DEP), there is no substantiated complaint relating to the Site in the past 3 years. Approval conditions restricting the operation hours and types of vehicles accessing to the Site, and restricting workshop activities at the open area of the Site, are recommended in paragraphs 12.2(a) to (d) below. The applicant will also be advised to follow the CoP issued by the DEP to minimise possible environmental nuisance generated by the applied use.
- 11.4 DLO/YL, LandsD has reservation on the application in view of the unauthorised structures or uses at the Site. In this regard, the applicant clarified that STW application will be submitted to LandsD for rectifying/regularising the structures under the applied use. Relevant advisory clause on the need for application to LandsD for regularisation for unauthorised structures or uses is recommended.
- 11.5 Other concerned government departments, including Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comments on the application. The applied uses will unlikely create traffic, drainage and fire safety impacts to the surrounding areas. Should the application be approved, technical requirements of CE/MN, DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraph 12.2 below.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11, the Planning Department considers that the applied use 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 24.5.2027. 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 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sunday and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) only private cars are allowed to enter/exit the Site, as proposed by the applicant, during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the open area of the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reserve onto/from public road at any time during the planning approval period;
- (f) 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 24.11.2024;
- (g) in relation to (f) 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 24.2.2025;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a fire services 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 24.11.2024;
- (j) in relation to (i) above, the implementation of the fire services 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 24.2.2025;
- (k) if any of the above planning condition (a), (b), (c), (d), (e) or (h) 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
- (l) if any of the above planning condition (f), (g), (i) or (j) 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' consideration:

the applied use is not in line with the planning intention of the "C/R" zone, which is intended primarily for commercial and/or residential development. A selected range of commercial uses are always permitted to serve the local community. 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

Appendix I	Application form received on 3.4.2024
Appendix Ia	FI received on 21.5.2024
Appendix II	Government departments' general comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout 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
MAY 2024**