

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

**APPLICATION NO. A/YL-PH/890**

<b><u>Applicant</u></b>	: Zhong Zheng Trucks and Body Limited represented by R-riches Property Consultants Ltd.
<b><u>Site</u></b>	: Lot 115 in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,733 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	: “Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
<b><u>Application</u></b>	: Proposed Temporary Storage of Vehicles and Auto Parts with Ancillary Vehicle Repair Workshop for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary storage of vehicles and auto parts with ancillary vehicle repair workshop for a period of 3 years. The applied use is neither a Column 1 nor Column 2 use for the “R(D)” zone. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning 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 used for open storage of vehicles for sale and vehicle repair workshop without valid planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, two 1-storey enclosed structures with building height of about 7.5m and 3.5m and a total floor area of about 801m<sup>2</sup>, one for storage of vehicles (a total of 20), vehicle parts and ancillary vehicle repair workshop uses, and one for site office use, will be erected at the Site. 3 private car parking spaces and 1 light goods vehicle loading / unloading space will be provided for staff use only. The operation hours will be 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays (no operation on Sundays and public holidays). The Site is accessible from Fan Kam Road via a short local access. The site layout plan submitted by the

applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of four previous applications, submitted by different applicants, for temporary open storage of private cars, lorries and vehicle parts, which were all approved by the Rural and New Town Planning Committee (the Committee) between 1998 and 2003. Details of these previous applications are set out in paragraph 5 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with plans received on 4.8.2021 **(Appendix I)**
  - (b) Further Information (FI) received on 13.9.2021 in **(Appendix Ia)** response to departmental comments  
*[exempted from publication requirement]*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, plans and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The application is only on a temporary basis and will not jeopardize the long term planning intention of the “R(D)” zone.
- (b) There is sufficient maneuvering space for vehicles within the Site to ensure no queuing back onto the public road. No medium or heavy goods vehicles over 5.5 tonnes will be used at the Site.
- (c) The proposed development will involve the erection of two enclosed structures for the applied use. Mitigation measures such as erecting a 2.5m high solid wall along the Site’s boundary to minimize noise nuisance will be implemented. The Environmental Protection Department’s ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and open Storage Sites’ will also be strictly followed to minimize adverse environmental impacts on the surrounding areas. The applicant will also follow the Professional Persons Environmental Consultative Committee Practice Notes for sewerage treatment at the Site.
- (d) The proposed development will not result in adverse traffic, environmental, landscape and drainage impacts.

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

The applicant is not the “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site is currently not subject to any active planning enforcement case.

**5. Previous Applications**

The Site is involved in four previous applications (No. A/YL-PH/182, 273, 329 and 446), all of which were submitted by different applicants for the same temporary open storage of private cars, lorries and vehicle parts use. They were approved with conditions by the Committee between 1998 and 2003 mainly on similar reasons that the developments could alleviate the shortage of open storage land in the area and would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; no adverse impacts were anticipated; previous planning approvals for the same applied use had been granted; and the developments were considered in line with the then Town Planning Board Guidelines on application for open storage and port back-up uses. Details of these applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

**6. Similar Application**

There is no similar application for temporary storage use within the same “R(D)” zone in the vicinity of the Site.

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

7.1 The Site is:

- (a) paved and partly fenced;
- (b) partly occupied by structures and used for open storage of vehicles for sale and vehicle repair workshop without valid planning permission; and
- (c) accessible from Fan Kam Road via a short local access.

7.2 The surrounding areas are rural in character predominated by open storage / storage yards, residential structures / dwellings, temporary dog training ground and animal boarding establishment and vacant / unused land:

- (a) to its north and south in the same “R(D)” zone are open storage / storage yards, a temporary dog training ground cum animal boarding establishment, and vacant / unused land;
- (b) to its immediate east is the site approved on a temporary basis for three years for temporary transitional housing under Application No. A/YL-PH/887. To its further east across Sheung Yue River are residential structures / dwellings, a storage yard and vacant land; and
- (c) to its further north and west across Fan Kam Road are unused land within an area zoned “Conservation Area” (“CA”).

## **8. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots 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 the application be approved, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on 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. Applications for any of the above will be considered by LandsD acting in the capacity as 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 approved, it will be subject to such terms and conditions, including among others the payment of rent 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 comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance

responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

**Environment**

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

- (a) She has no objection to the application.
- (b) There was no environmental complaint concerning the Site received by DEP in the past three years.
- (c) The applicant is advised: (i) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize any potential environmental nuisance; (ii) to provide adequate supporting infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" including percolation test; and (iii) that it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.

**Nature Conservation**

9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Noting the Site falls within the “R(D)” zone and is disturbed in nature, he has no comment on the planning application from nature conservation perspective. Nevertheless, should the application be approved, the applicant shall be advised to avoid disturbance to the vegetation in the vicinity of the Site.

**Fire Safety**

9.1.6 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.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

**Drainage**

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission, implementation and maintenance of a drainage proposal for the development should be included in the planning permission.
- (c) There is no public sewer connection available in the vicinity. The applicant shall seek views and comments from the DEP regarding the sewage disposal arrangement of the proposed development.

**Building Matters**

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) 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

BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).

- (c) His detailed comments on UBW, provision of access, temporary or licenced structures are at **Appendix IV**.
- (d) Detailed checking under the BO will be carried out at building plan submission stage.

#### **District Officer's Comments**

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

He has not received any comments from the locals upon close of consultation and has no particular comments on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Project Manager (West), Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services; and
- (d) Commissioner of Police.

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

On 13.8.2021, the application was published for public inspection. During the three-week statutory publication period, one public comment was received from an individual (**Appendix III**). The commenter raised concern that the operation on the Site had continued since the last planning approval in 2003, and questioned the type of activities currently being undertaken as well as the safety aspect of the operation on-site.

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

11.1 The application is for proposed temporary storage of vehicles and auto parts with ancillary vehicle repair workshop for a period of 3 years at "R(D)" zone. The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The proposed use is not in line with the planning intention of the "R(D)" zone. Nevertheless, as there is no known programme for permanent development at this part of the "R(D)" zone, 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 "R(D)" zone.

- 11.2 The proposed development is considered not incompatible with the surrounding area which is rural in character intermixed with open storage yards, residential structures / dwellings and an animal boarding establishment. Whilst there are residential dwellings / structures and temporary transitional housing approved by the Committee in the vicinity of the Site (**Plan A-2**), the applicant stated that the Site is for storage of vehicles not exceeding 5.5 tonnes and all the operations, including the ancillary vehicle repair workshop, will be undertaken within the enclosed structures to be erected. DEP, in this regard, has no objection to the application.
- 11.3 Relevant departments consulted, including C for T, DEP, DAFC, CE/MN of DSD and D of FS, have no adverse comment on or no objection to the application. To minimize any possible environmental nuisance, approval conditions restricting the operation hours and vehicle types are recommended in paragraphs 12.2 (a) to (c) below. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'. The technical requirements of C for T, CE/MN of DSD and D of FS would be addressed by approval conditions (d) to (i) below in paragraph 12.2.
- 11.4 The Site is involved in 4 previous applications for the same temporary open storage of private cars, lorries and vehicle parts use and submitted by different applicants. Whilst all of them were approved by the Committee between 1998 and 2003 as detailed in paragraph 5 above, they are not directly related to the current application as open storage were involved in these previous applications. There is no similar application for temporary storage use within the same "R(D)" zone in the vicinity of the Site.
- 11.5 A public comment was received during the statutory inspection period, providing comment / raising concern on the application as stated in paragraph 10 above. In this regard, the departmental comments and planning considerations and assessments as stated above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment as mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary storage of vehicles and auto parts with ancillary 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 24.9.2024. 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 or 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 at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from 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 24.3.2022;
- (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 24.6.2022;
- (g) in relation to (f) above, the implemented drainage facilities on the Site 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 24.3.2022;
- (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 24.6.2022;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning condition (e), (f), (h) or (i) 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 IV**.

- 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 "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. 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**

<b>Appendix I</b>	Application Form with Plans received on 4.8.2021
<b>Appendix Ia</b>	FI received on 13.9.2021
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Public Comment received during the Statutory Publication Period
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2021**