

RNTPC Paper No. A/YL-PH/900A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.5.2022

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

**APPLICATION NO. A/YL-PH/900**

<b><u>Applicant</u></b>	:	Gain Winner Limited represented by R-Riches Property Consultants Limited
<b><u>Site</u></b>	:	Lots 861 S.A (Part) and 861 S.C (Part) in D.D. 111 and Adjoining Government Land, Ha Che, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	:	About 1,443 m <sup>2</sup> (including about 53 m <sup>2</sup> of government land)
<b><u>Land Status</u></b>	:	(i) Block Government Lease (demised for agricultural use) (about 96.3% of the Site) (ii) Government Land (about 3.7% of the Site)
<b><u>Plan</u></b>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	:	“Open Storage” (“OS”)
<b><u>Application</u></b>	:	Proposed Temporary Shop and Services with Ancillary Storage and Office for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services with ancillary storage and office for a period of 5 years. According to the Notes of the OZP, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use in “OS” zone which requires permission from the Town Planning Board (the Board). The Site is currently fenced, paved and mostly vacant with a portion being used for storage of construction materials which is always permitted within the “OS” zone (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development involves the erection of a four-storey structure (about 15m high) with a floor area of about 2,456m<sup>2</sup> for operation of a vehicle parts retail hub including its reception, vehicle parts shop, vehicle parts showroom, ancillary office and ancillary storage. The estimated number of staff working at the Site and number of visitors are about seven and 40 per day respectively. There will be four parking spaces for private cars and two loading/unloading spaces for light goods vehicles at the Site. No vehicles exceeding 5.5 tonnes will be used. The operation hours are

between 9:00 a.m. and 7:00 p.m. Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible to Fan Kam Road via a local track. The site layout plans submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site is involved in two previous applications (No. A/YL-PH/797 and 847) approved for proposed temporary shop and services of vehicle parts (detailed in paragraph 5 below). The last application No. A/YL-PH/847, submitted by the same applicant as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) in September 2020. No submission has been made for compliance with the planning conditions since the granting of planning approval. The planning permission is valid until 1.9.2025. A comparison of the major development parameters submitted under the last application and the current application is summarized below:

<b>Major Development Parameters</b>	<b>Last Application No. A/YL-PH/847 (a)</b>	<b>Current Application (b)</b>	<b>Difference (b)-(a)</b>
Site Area (m <sup>2</sup> )(about)	1,045	1,443	+398 (+38%)
Site Coverage (%) (about)	59	43	-16%
Floor Area (m <sup>2</sup> )(about)	2,456	2,456	-
Plot Ratio (about)	2.4	1.7	-0.7 (-29%)
No. of Structure	1	1	-
No. of Storeys	4	4	-
Building Height (m) (about)	15	15	-
No. of Parking Spaces - Private car	3	4	+1 (+33%)
No. of Loading/Unloading Spaces - LGV	1	2	+1(+100%)

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

- (a) Application form and supplementary information (**Appendix I**)  
received on 29.11.2021 and 2.12.2021
- (b) Further Information (FI) received on 21.2.2022 (**Appendix Ia**)
- (c) FI received on 3.5.2022 (**Appendix Ib**)

- 1.5 On 28.1.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant. On 21.2.2022, FI was received from the applicant (**Appendix Ia**). Nevertheless, in view of COVID-19 and the latest special work arrangement for government departments announced by the Government, the Committee, on 1.4.2022,

agreed to defer making a decision on some of the applications, including Application No. A/YL-PH/900. The application is now 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, supplementary information and FIs in **Appendices I to Ib**. They can be summarized as follows:

- (a) The applicant intends to operate a vehicle parts retail hub at the Site to serve the nearby vehicle repair workshops in the area. The ancillary office and storage floor spaces are required for meeting its daily operation.
- (b) The Site is involved in previous s. 16 applications (No. A/YL-PH/797 and 847) for the same use by the same applicant. Approval of the current application will not set an undesirable precedent. Given the temporary nature of the application, the long-term planning intention of the “OS” zone will not be frustrated.
- (c) The proposed development would not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. The applicant will implement the necessary fire service installations (FSIs), drainage and landscape proposals to mitigate the possible adverse impacts and address the concerns of the government departments should the application be approved.
- (d) The increase in site area as compared with the previous approved scheme under Application No. A/YL-PH/847 is to provide emergency vehicular access and manoeuvring space for vehicles within the Site.

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

The applicant is not a “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 notifying the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the portion of the Site falling within government land, the “Owner’s Consent / Notification” Requirements are not applicable.

## **4. Background**

The Site is not subject to any planning enforcement action.

## **5. Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/YL-PH/797 and 847) for temporary shop and services of vehicle parts, which were submitted

by the same applicant for the same use as the current application. Both applications were approved with conditions by the Committee in December 2018 and September 2020 respectively mainly for the same reasons that approval on a temporary basis would not frustrate the long-term planning intention; the proposed uses were not incompatible with the surrounding land uses; relevant departments consulted had no objection to or no adverse comment; and their technical concerns could be addressed by appropriate approval conditions. The planning permission of the last application No. A/YL-PH/847 is valid until 1.9.2025. Nevertheless, no submission has been made by the applicant to comply with the approval conditions. In this regard, the applicant states that a fresh planning application is submitted for enlarging the site area so as to provide emergency vehicular access and manoeuvring space for vehicles.

- 5.2 Compared with the last application, there are changes in the major development parameters, including increase in site area / boundary and number of car parking space, and corresponding reduction in plot ratio and site coverage owing to the increase in site area, details of which are set out in paragraph 1.3 above.
- 5.3 Details of the previous applications are summarized in **Appendix II** and the locations are shown on **Plan A-1**.

## **6. Similar Applications**

There is no similar application for shop and services use in the “OS” zone in the vicinity of the Site in the past 5 years.

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

### **7.1 The Site is:**

- (a) hard-paved, fenced and mostly vacant with a portion used for open storage of construction materials which is always permitted within the “OS” zone; and
- (b) accessible from Fan Kam Road via a local access.

### **7.2 The surrounding areas have the following characteristics:**

- (a) to its north, east and west are open storage / storage yards, a warehouse and workshops;
- (b) to its southeast are vehicle repair workshops and open storage / storage yards; and
- (c) to its southwest is a site currently vacant with planning permission under application No. A/YL-PH/804 for proposed temporary wholesale trade (food).

**8. Planning Intention**

The planning intention of the “OS” is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

**9. Comments from Relevant Government Departments**

All the 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.

**10. Public Comments Received During Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. The commenters object to the application mainly on the grounds that the proposed development would cause adverse traffic impact, environmental pollution and safety concerns to the nearby villagers; a larger site is being requested in the current application; and the approval conditions of the previous application (No. A/YL-PH/847) have not yet been fully complied with.

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services with ancillary storage and office, which is a Column 2 use within the “OS” zone. The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses; and provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. Although the proposed development is not entirely in line with the planning intention of the “OS” zone, it is not incompatible with the intended uses in the zones. It is considered that temporary approval of the application for a period of 5 years would not jeopardize the long-term planning intention of the “OS” zone.
- 11.2 The proposed development is in the middle of a large “OS” zone. It is considered not incompatible with the surrounding land uses which are mixed with open storage / storage yards, warehouse, workshops and vacant land.
- 11.3 According to the applicant, the application is intended to serve as a vehicle parts retail hub for the nearby vehicle repair workshops. It is anticipated that the proposed development would not result in adverse traffic, environmental and drainage impacts to the surrounding areas. In the current application, the

applicant has included a FSIs proposal and a drainage proposal to support the application. Relevant government departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize / address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised 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” to minimize any possible environmental nuisance.

- 11.4 The Site is involved in two previous applications (No. A/YL-PH/797 and 847) for the same temporary shop and services of vehicle parts and submitted by the same applicant as the current application. Both applications were approved by the Committee in December 2018 and September 2020 respectively for reasons as stated in paragraph 5.1 above. Compared with the last approved application No. A/YL-PH/847, the current application is for the same use with a larger site area / boundary and corresponding changes in its major development parameters, which necessitates the submission of the current application.
- 11.5 Two public comments objecting to the application were received during the statutory publication period as mentioned in paragraph 10 above. In this regard, government departments’ comments and planning assessments 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 comments mentioned in paragraph 10 above, the Planning Department has no objection to the proposed temporary shop and services with ancillary storage and office for a period of 5 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 5 years until 6.5.2027. The following approval conditions and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the implementation of the accepted 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 6.11.2022;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 6.11.2022;

- (d) if the above planning condition (b) 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
- (e) if any of the above planning condition (a) or (c) 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 in **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 "OS" zone which is for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. 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 and supplementary information received on 29.11.2021 and 2.12.2021
<b>Appendix Ia</b>	FI received on 21.2.2022
<b>Appendix Ib</b>	FI received on 3.5.2022

<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>Drawings A-1 &amp; A-2</b>	Site layout plans
<b>Plan A-1</b>	Location plan with previous applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2022**