

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

**APPLICATION NO. A/YL-TT/534**

<b><u>Applicant</u></b>	:	Ming Fung Auto Car Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lots 1012 S.A RP, 1037(A)&(B), 1038, 1039, 1040, 1041 and 1042 in D.D. 115, Au Tau, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	1,708 m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
<b><u>Zoning</u></b>	:	“Residential (Group C)” (“R(C)”) <i>[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]</i>
<b><u>Application</u></b>	:	Temporary Wholesale Centre of Auto Parts and Car Sales Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary wholesale centre of auto parts and car sales centre for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “R(C)” zone, ‘Shop and Services’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). While ‘Wholesale Centre’ is neither a Column 1 nor Column 2 use under “R(C)” zone, the covering Notes of the OZP also stipulate that temporary use or development of any land or buildings not exceeding a period of three years within the zone requires planning permission from the Board notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TT/454 (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site involves six previous applications (No. A/YL-TT/140, 203, 260, 314, 374 and 454) for similar/same temporary uses. The last application (No. A/YL-TT/454) for the same use as the current application was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 1.2.2019. All the time-limited

approval conditions under the last application had been complied with and the permission will lapse on 19.3.2022. Compared with the last application, the current application is submitted by the same applicant for the same use with similar site layout and slightly different development parameters on the same site.

- 1.3 According to the applicant, no dismantling, maintenance, repairing, cleansing, paint-spraying, car washing or other workshop activities will be conducted at the Site and no medium or heavy goods vehicles, including container tractor/trailers, will be allowed to access the Site. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.4 The major development parameters of the previously approved application (No. A/YL-TT/454) and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/454 (a)	Current Application No. A/YL-TT/534 (b)	Difference (b)-(a)
Applied Use	Temporary Wholesale Centre of Auto Parts and Car Sales Centre for a Period of 3 Years		--
Site Area	1,708 m <sup>2</sup> (about)		--
Total Floor Area (non-domestic)	702.8 m <sup>2</sup>	889 m <sup>2</sup>	+186.2 m <sup>2</sup> (+26.5%)
No. and Height of Structures	7 • for site office and reception, vehicle showroom, pump and control room, water tank, storage of auto parts/vehicles and toilet (2.5-5.8m, 1-2 storey(s))	9 • for site office and reception, vehicle showroom, pump and control room, water tank, storage of auto parts/vehicles, toilet and covered parking spaces (2.5-5.8m, 1-2 storey(s))	+2 (+28.6%)
No. of Parking Spaces	11 (for private cars) (5m x 2.5m each)		--
No. of Loading and Unloading Space	1 (for light goods vehicle)(7m x 3.5m)		--
Operation Hours	9:00 a.m. to 6:00 p.m. daily		--

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

- (a) Application Form with appendix and plans received on 30.11.2021 **(Appendix I)**
- (b) Further Information (FI) received on 10.1.2022 **(Appendix Ia)**  
[exempted from publication and recounting requirements]

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

The justifications put forth by the applicant in support of the application are mainly detailed in the Application Form and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) The temporary proposal would not jeopardise the planning intention of the “R(C)” zone. The Site involved a number of previous applications for the same use as the current application with the last application approved by the Board in 2019. While the use and operation hours will remain unchanged, two additional structures for vehicle showroom and canopy for parking spaces are proposed under the current application.
- (b) The applicant undertakes to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) to minimise environmental impact on the nearby sensitive receivers. The Professional Persons Environmental Consultative Committee Practice Notes will also be observed for sewage treatment at the Site.
- (c) Advanced booking is required for the visitor parking spaces. Existing drainage facilities, landscape plantings, trees and fire service installations (FSIs) at the Site will be maintained/preserved. Furthermore, relevant technical proposals will be provided after approval of the application. Overall, adverse traffic, environmental, landscape and drainage impacts arising from the proposal are not anticipated.

## 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 sending the notice to the Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Background**

The Site is currently not subject to planning enforcement action.

## 5. **Previous Applications**

- 5.1 The Site involves six previous applications (No. A/YL-TT/140, 203, 260, 314, 374 and 454) for similar/same temporary uses. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.
- 5.2 Application No. A/YL-TT/140 covering a larger site for temporary showroom and godown for car accessories and parts with ancillary workshop for installation work submitted by a different applicant was approved (excluding the workshop

use) with conditions for a period of 3 years by the Board on review in 2003. The application was approved on the considerations that the proposal was tidy and akin to a shop; it would be operated within enclosed structures; and the applicant had undertaken to exclude the workshop use from the application.

- 5.3 Applications No. A/YL-TT/203, 260 and 314 for temporary wholesale centre of auto parts and storage submitted by a different applicant were approved with conditions each for a period of 3 years by the Committee between 2007 and 2013, mainly on the considerations that previous approval(s) had been granted and there was no change in planning circumstances; and the concerns of the departments could be addressed by imposing approval conditions. The planning permissions under applications No. A/YL-TT/203 and 314 were subsequently revoked in 2009 and 2015 respectively due to non-compliance with time-limited approval conditions.
- 5.4 Applications No. A/YL-TT/374 and 454 for the same use as the current application submitted by the same applicant were approved with conditions by the Committee each for a period of 3 years in 2016 and 2019 respectively, mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term development of the “R(C)” zone; the proposal was not incompatible with surrounding environment; and the concerns of the departments could be addressed by imposing approval conditions. All time-limited approval conditions under the last application No. A/YL-TT/454 had been complied with and the planning permission will lapse on 19.3.2022.
- 5.5 Compared with the last application No. A/YL-TT/454, the current application is submitted by the same applicant for the same use with similar site layout and slightly different development parameters on the same site.

## 6. **Similar Application**

There is no similar planning application within the subject “R(C)” zone.

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

### 7.1 The Site is:

- (a) accessible from Castle Peak Road – Yuen Long to its north via a local road;
- (b) paved and fenced-off; and
- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TT/454 (**Plans A-2, A-4a to A-4c**).

### 7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) mixed in nature with predominantly residential structures/developments intermixed with open storage/storage yards, workshops, parking of vehicles, a residential care home for the elderly and unused land in the

subject “R(C)” zone and a petrol filling station (PFS) in the “Other Specified Uses” annotated “Petrol Filling Station” zone to the west of the Site;

- (b) to the south in the “Government, Institution or Community” (“G/IC”) zone on the subject OZP are schools, an electricity substation, a carpark, Scout Association of Hong Kong Shap Pat Heung District and unused land;
- (c) to the north across Castle Peak Road – Yuen Long are mainly residential structures with a hotel, workshops, car services, open storage/storage yards, parking of vehicles and unused land in an area zoned “Undetermined” on the approved Nam Sang Wai OZP No. S/YL-NSW/8;
- (d) there are several residential structures in the vicinity of the Site, with the nearest one located to the immediate southeast of the Site; and
- (e) except for a vehicle repair workshop covered by valid planning permission (No. A/YL-NSW/285), the other open storage/storage yards, workshops, car services and parking of vehicles in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

- 9.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised 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) Within the Site, Lots 1012 S.A RP, 1037(A)&(B), 1038&1941 and 1039, 1040&1042 in D.D. 115 are covered by Short Term Waivers (STWs) No. 3449 and 3450 respectively to permit structures erected thereon for the purpose of “wholesale centre of auto parts and storage”.

- (c) Should planning approval be given to the application, the STW(s) holder(s) will need to apply to her office for modification of the STW(s) conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department 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 her department.

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) She has no further comment on the application from traffic engineering perspective having considered the FI at **Appendix Ia**.
- (b) Should the application be approved, an approval condition prohibiting vehicles from queuing back or reversing onto/from public road at any time during the planning approval period should be stipulated. The applicant should also note the comments at **Appendix IV**.

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

- (a) His department shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Yuen Long.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads/drains.

### **Environment**

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

- (a) There was no environmental complaint concerning the Site received in the past 3 years.
- (b) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest Code of Practice to minimise any potential environmental nuisances on the surrounding areas.

### **Drainage**

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

- (a) He has no objection in principle to the development.
- (b) Based on the planning statement enclosed in the application (**Appendix I**), apparently the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TT/454.
- (c) Should the Board consider the application acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TT/454 and submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **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 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. In addition, the applicant should be reminded of the detailed comments at **Appendix IV**.

### **Building Matters**

9.1.7 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 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) The applicant should be reminded of the detailed comments at **Appendix IV**.

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

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

9.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (d) Commissioner of Police (C of P).

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

On 7.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objects to the application mainly on the grounds that the proposal would create adverse traffic, fire safety and environmental impacts, thereby affecting the safety and living quality of the villagers (**Appendix III-1**). The other individual questions the long lead time required to comply with the approval conditions under the last application (**Appendix III-2**).

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

- 11.1 The application is for temporary wholesale centre of auto parts and car sales centre for a period of 3 years at the Site zoned “R(C)” on the OZP. Although the applied use is not in line with the planning intention of the “R(C)” zone, which is primarily for low-rise, low-density residential developments, the applied use could meet any such demand in the area. There is also no known programme for long-term development at the Site. As such, approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the area.
- 11.2 The surrounding areas comprise predominantly residential structures intermixed with open storage/storage yards, workshops, PFS and GIC uses (**Plan A-2**). The applied use is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment on the application from concerned government departments, including C for T, D of FS, DEP and CE/MN, DSD. Adverse traffic, fire safety, environmental and drainage impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the technical requirements of concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 11.4 Given that six previous approvals for similar/the same use have been granted to the Site, approval of this application is generally in line with the Committee’s previous decisions.



- 11.5 There were two public comments raising concerns or objecting to the application received during the statutory publication period. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 considers that the temporary wholesale centre of auto parts and car sales 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 28.1.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no medium or heavy goods vehicles, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (d) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.4.2022;
- (g) 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 28.7.2022;
- (h) in relation to (g) 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 28.10.2022;

- (i) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (j) if any of the above planning condition (f), (g) or (h) 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 the "R(C)" zone which is primarily for low-rise, low-density residential developments. 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 appendix and plans received on 30.11.2021
<b>Appendix Ia</b>	FI received on 10.1.2022
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendices III-1 and III-2</b>	Public Comments received during the Statutory Publication Period
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<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>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2022**