

RNTPC Paper No. A/YL-TYST/1071A
For Consideration by
the Rural and New Town
Planning Committee
on 11.6.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1071

- Applicant** : Bright Top Development Limited represented by Goldrich Planners & Surveyors Limited
- Site** : Lots 964 (Part), 965 (Part) and 969 (Part) in D.D. 121, Yuen Long, New Territories
- Site Area** : 745 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zoning** : “Residential (Group D)” (“R(D)”)
[Restricted to maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Car Washing 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 proposed temporary car washing centre for a period of 3 years (**Plan A-1**). Although the proposed use is neither a Column 1 or 2 use in the “R(D)” zone, according to the covering notes of the OZP, temporary use or development of any land or buildings 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 under the Notes of the OZP. The Site is formed with hard paving and currently vacant (**Plans A-2 and A-4**).
- 1.2 The Site involves two previous applications (No. A/YL-TYST/124 and 545) for various temporary uses not related to the current proposed use (**Plan A-1**). Details of the applications are summarised in paragraph 5 below and **Appendix II**.
- 1.3 According to the applicant, the proposal will provide car washing service to nearby residents and the general public on a pre-booking basis. The operator will provide one automatic car washing facility and three self-serve car washing spaces; tools and equipment will be provided at the Site. Only private cars and light goods vehicles (LGVs) will allowed on the Site. No public announcement system will be installed at the Site. Furthermore, no workshop activities such as car dismantling, spraying, repairing, maintaining or change of lubricant oil and no petrol filling will be allowed at the Site. Plans showing the site layout, drainage

proposal and sewerage proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.

1.4 The major development parameters of the application are summarised as follows:

Site Area	745 m ² (about)
Total Floor Area (Non-domestic)	153.8 m ² (about)
No. and Height of Structures	5 • for self-serve car washing spaces, automatic car washing space and site office (3.5m, 1 storey)
No. of Waiting Spaces	2 (for private cars and LGVs) (7m x 3.5m each)
Operation Hours	10:00 a.m. to 8:00 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 8.1.2021 (**Appendix I**)
- (b) Further Information (FI) received on 21.4.2021 responding to departmental comments (**Appendix Ia**)
- (c) FI received on 27.5.2021 responding to departmental comments and providing updated plan and clarifications on the proposed operation (**Appendix Ib**)
[(b) and (c) exempted from publication and recounting requirements]

1.6 On 26.2.2021, the Committee agreed to defer making a decision on the application for two months as requested by the applicant. The applicant submitted FI on 21.4.2021 and the application is 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 (**Appendix I**). They can be summarised as follows:

The proposal is compatible with the surrounding area. The sheds for the washing bays will be cladded with waterproof, soundproof and noise insulating materials on three sides and atop. There will be minimal traffic, environmental, sewerage, drainage and visual impacts arising from the proposal.

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 Ping Shan 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

The Site involves two previous applications (No. A/YL-TYST/124 and 545) for temporary container tractor/trailer park and community based recyclable collection centre, which were both rejected by the Committee in 2001 and 2011 respectively mainly on the grounds that the development was incompatible with the surrounding residential uses (for the former application only) and/or the proposals would generate adverse environmental, drainage and/or traffic impacts on the surrounding areas, amongst other grounds. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

6. Similar Application

Although there is no similar application for car washing centre within the subject “R(D)” zone on the OZP, there is one planning application (No. A/YL-TYST/998) of a similar nature for proposed temporary shop and service (car beauty service) straddling the adjacent “Village Type Development” (“V”) zone, which was approved with conditions by the Committee in 2020 for a period of 3 years (**Plan A-1**).

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

7.1 The Site is:

- (a) accessible from Long Hon Road to its northeast via a local track; and
- (b) paved, largely fenced off and vacant.

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

- (a) mixed in nature with mainly open storage/storage yards, warehouses, workshops, parking of vehicles, offices, scattered residential structures, agricultural land and vacant land/structures, as well as a plant nursery and an orchard;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate north;
- (c) to the west is an area zoned “Residential (Group B)1” and to the further south is an area zoned “Green Belt” on the OZP; and
- (d) except for an open storage/storage yard with workshop to the further north, the other open storage/storage yards, warehouses, workshops, offices and parking of vehicles in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

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 and public comments received, 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) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or to regularise any irregularities on site, if any. 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 of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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) The land status of the access road/path/track leading to the Site from Long Hon Road/Shan Ha Road junction shall be checked with the lands authority. The road section between the junction and the proposed development is not managed by his department.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition,

no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) Currently, only the section of Long Hon Road of about 31m abutting Tong Yan San Tsuen Interchange is maintained by his department. His department shall not be responsible for the maintenance of any access connecting the Site and the section of Long Hon Road being maintained by his department.

Environment

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

- (a) 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 on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) and the Professional Persons Environmental Consultative Committee Practice Note No. 5/93 – “Drainage Plans Subject to Comment by the Environmental Protection Department” to minimise any potential environmental nuisance on the surrounding area.
- (b) The applicant should also be reminded of the comments at **Appendix IV**.

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 proposed development from the public drainage point of view. The applicant should be reminded of the detailed comments on the submitted drainage proposal and other comments at **Appendix IV**.
- (b) Should the Board consider the application acceptable from the planning point of view, approval conditions requiring the submission of a revised drainage proposal and the implementation and maintenance of the drainage proposal for the development 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 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. 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):

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

Long-term Development

9.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the Study). According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls partly within an area zoned as “Residential - Zone 5” (“R5”) and partly within an area shown as ‘Road’.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

9.1.9 Comments of Project Manager (West), CEDD (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) Based on the preliminary project boundary of the proposed YLS Development, the Site falls within the boundary of the proposed YLS Development – Stage 4. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and the detailed implementation programme with phasing and

packaging of works for YLS Development – Stage 4 is being formulated.

District Officer's Comments

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

His office has not received any feedback from locals.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
and
- (b) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 15.1.2021, 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 objected to the application on the grounds that the proposed development will cause adverse traffic and environmental impacts and fire hazard on the surrounding area (**Appendix III-1**). The other individual raised concerns that approval of the application would undermine the long-term development plan of the area (**Appendix III-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary car washing centre for a period of 3 years at the Site zoned “R(D)” on the OZP. 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 and for low-rise and low-density residential developments. Although the proposed use is not in line with the planning intention of the “R(D)” zone, it could serve the car washing needs of nearby residents. Whilst the Site mainly falls within an area zoned “R5” and partly falls within an area shown as ‘Road’ on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 11.2 The surrounding area comprises a mixture of open storage/storage yards, workshops, warehouses and other uses (**Plan A-2**). Although there are residential structures in the vicinity of the Site, the proposal, which is small in scale and consists of several low-rise temporary structures, 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, DEP, CE/MN, DSD and D of FS. Adverse impacts on traffic, environmental, drainage and fire safety to the surrounding area are not envisaged. Furthermore, relevant approval conditions are recommended in

paragraph 12.2 to address the technical requirements of other 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 reminded to follow the latest Code of Practice and relevant practice notes to minimise any potential environmental impact on the surrounding areas.

- 11.4 Although there is no similar application for car washing centre within the subject “R(D)” zone, there is one approved planning application (No. A/YL-TYST/998) of a similar nature for proposed temporary shop and service (car beauty service) straddling the adjacent “V” zone (**Plan A-1**). Given the similar nature of the two uses (i.e. to provide services to visiting private cars and LGVs), approval of the current application is generally in line with the Committee’s previous decision. There were two previous applications (No. A/YL-TYST/124 and 545) for different temporary uses rejected by the Committee mainly on the grounds that the proposal was incompatible with the surrounding residential uses and/or the proposals would generate adverse environmental, traffic and/or drainage impacts on the surrounding areas. However, such considerations are generally not applicable to the current application, as the proposed use is considered not incompatible with the surrounding area and there were no adverse departmental comments on the current application.
- 11.5 There are two public comments received on the application during the statutory publication period as summarised in paragraph 10 above. 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 proposed temporary car washing 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 11.6.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the submission of a revised 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 11.12.2021;

- (d) in relation to (c) 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 11.3.2022;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 11.12.2021;
- (g) in relation to (f) 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 11.3.2022;
- (h) if any of the above planning conditions (a), (b) 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
- (i) if any of the above planning conditions (c), (d), (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 proposed use 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 into permanent buildings and for low-rise, low-density residential developments. No strong planning justification has been given in the submission to justify 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 with appendix and plans received on 8.1.2021
Appendix Ia	FI received on 21.4.2021
Appendix Ib	FI received on 27.5.2021
Appendix II	Previous Applications covering the Site
Appendices III-1 and III-2	Public Comments received during Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	Sewerage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2021**