

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1172**

- Applicant** : Hang Sing Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1439 (Part) and 1440 S.A (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 659 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Open Space” (“O”) (about 87%);  
“Residential (Group A) 3” (“R(A)3”) (about 11%); and  
*[Restricted to a maximum plot ratio of 7 and maximum building height of 160mPD]*  
“Village Type Development” (“V”) (about 2%)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Renewal of Planning Approval for Temporary Vehicle Inspection Centre with Ancillary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary vehicle inspection centre with ancillary open storage of vehicles and vehicle parts for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area mainly zoned “O” (about 87%) and partly zoned “R(A)3” (about 11%) with a very minor portion within “V” zone (about 2%) on the OZP. Although the applied use is neither a Column 1 or 2 use in the “O”, “R(A)” and “V” zones, according to the 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 currently occupied by the

applied use with valid planning permission under application No. A/YL-TYST/980 (**Plans A-2, A-4a and A-4b**).

- 1.2 The Site is accessible from Shan Ha Road via a local track (**Plan A-3**). According to the applicant, the vehicle inspection centre is intended to inspect second-hand private cars before vehicle transaction, while the ancillary open storage is for storage of vehicle parts only. No repairing, cleansing or other workshop activities (except vehicle inspection) will be carried out at the Site. No medium or heavy goods vehicles, including container tractors/trailers, will be allowed to access the Site. Plans showing the vehicular access leading to the Site, site layout with tree preservation proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of six previous applications (No. A/YL-TYST/347, 428, 591, 728, 795 and 980) (details at paragraph 6 below).
- 1.4 The major development parameters of the current application are the same as the previously approved application and are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/980</b>	<b>Current Application No. A/YL-TYST/1172</b>
Applied Use	Temporary Vehicle Inspection Centre with Ancillary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years	
Site Area	About 659 m <sup>2</sup>	
Total Floor Area (Non-domestic)	Not more than 308 m <sup>2</sup>	
No. and Height of Structures	3 • for vehicle inspection and storage, toilet, electricity meter room, conference room and site office, etc. (6.5m, 1-2 storey(s))	
No. of Parking Space	Nil	
No. of Loading/ Unloading Space(s)	1 (for light goods vehicle) (7 m x 3.5 m)	
Operation Hours	9:00 a.m. to 7:00 p.m., with no operation on Sundays and Public Holidays	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with annex and plans received on 8.7.2022 (**Appendix I**)
- (b) Further Information (FI) received on 9.8.2022 (**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 detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) The Site is subject of previous planning permissions. The current application is the same as the last application (No. A/YL-TYST/980) and all the time-limited approval conditions of the last application had been complied with.
- (b) The applied use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F).
- (c) The temporary use would not jeopardise the long-term planning intention. A number of open storage and warehouse uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. The proposal is compatible with the surrounding environment. Besides, there is a shortage of land for open storage use in TYST.
- (d) There will be minimal traffic, environmental and drainage impacts arising from the applied use.

### **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 by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

- 4.1 TPB PG-No. 13F are relevant to the application. The Site falls within Yuen Long South (YLS) Development Area under TPB PG-No. 13F promulgated by the Board on 27.3.2020. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site involves six previous applications (No. A/YL-TYST/347, 428, 591, 728, 795 and 980) for various temporary open storage and/or vehicle inspection centre uses covering different extents of the Site. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.

- 6.2 All six applications were approved with conditions each for a period of 2 or 3 years by the Rural and New Town Planning Committee (the Committee) of the Board between 2007 and 2019 mainly on the considerations that the applications were generally in line with the prevailing TPB PG-No. 13 (or its later versions); the proposals would not jeopardise the long-term development of the area; the proposals were not incompatible with the surrounding uses in the then “U” zone; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, one of the planning permissions was subsequently revoked in 2016 due to non-compliance with approval condition. As for the last application (No. A/YL-TYST/980), all the time-limited approval conditions have been complied with and the planning permission is valid until 18.10.2022.
- 6.3 Compared with the last application (A/YL-TYST/980), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters (see paragraph 1.4).

## **7. Similar Applications**

- 7.1 There is no similar application for vehicle inspection centre within/straddling the subject “O”, “R(A)3” and “V” zones. However, a total of 30 similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject “O”, “R(A)3” and “V” zones had been considered by the Committee since 2017. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 30 similar applications, 29 were approved mainly on similar considerations that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for 7 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 The remaining application (No. A/YL-TYST/1058) was rejected by the Committee in 2020 mainly on the grounds that the applied use was not in line with TPB PG-No. 13F in that the applicant could not demonstrate that the continued operation of the applied use would not generate adverse environmental impact on the surrounding areas.

## **8. Planning Intentions**

- 8.1 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 8.2 The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

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

### **9.1 The Site is:**

- (a) accessible from Shan Ha Road to its northwest via a local track (**Plan A-3**); and
- (b) paved, fenced off and occupied by the applied use with valid planning permission under application No. A/YL-TYST/980 (**Plans A-2, A-4a and A-4b**).

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

- (a) comprise predominately warehouses and open storage/storage yards with scattered residential structures, car parks, office, car servicing and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 15m to its northwest; and
- (c) except for four open storage/storage yards and warehouses with valid planning permissions (No. A/YL-TYST/994, 995, 1128 and 1135), the remaining warehouses, open storage/storage yards, car parks and car servicing uses in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

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

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application including the public comment relayed by the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) and advisory comments in the Recommended Advisory Clauses are provided in **Appendices V and VI** respectively.

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

On 15.7.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds that the applied use will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix VII**).

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary vehicle inspection centre with ancillary open storage of vehicles and vehicle parts for a period of 3 years at the Site mainly zoned “O”(about 87%), partly zoned “R(A)3” (about 11%) and marginally zoned “V” (about 2%) on the OZP. The planning

intentions of the “O” and “R(A)” zones are primarily for provision of outdoor open air public space and high-density residential developments respectively. Although the applied use is not in line with the aforesaid planning intentions, and the Site falls partly within areas zoned “Special Residential – Public Rental Housing (Zone 1) (with commercial)” and “Local Open Space” under Stage 2B of YLS Development, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department, Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services have no objection to the application. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.

- 12.2 The surrounding area comprises predominantly warehouses and open storage/storage yards with some of them covered by valid planning permissions (**Plan A-2**). While there are residential structures in the vicinity, the applied use is generally not incompatible with the surrounding area.
- 12.3 The application is generally in line with TPB PG-No. 13F in that the Site largely falls within the YLS Development Area and six previous planning approvals for similar open storage uses have been granted; relevant proposals have been submitted to demonstrate that the applied use would not generate adverse impacts on the surrounding areas; and the local concerns and technical concerns of relevant departments could be addressed through the imposition of approval conditions.
- 12.4 The application is also generally in line with TPB PG-No. 34D in that approval of the application would not pre-empt the long-term development of the Site; all the time-limited approval conditions under the last application No. A/YL-TYST/980 had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.5 There is no adverse comment from concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There has been no substantiated environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, 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” and to keep the Site clean and tidy at all times.
- 12.6 Given that six previous approvals for various open storage and/or vehicle inspection centre uses have been granted to the Site and 29 similar applications within/straddling the subject “O”, “R(A)3” and “V” zones have been approved since 2017, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.7 There are one public comment objecting to the application received during the statutory public inspection period as summarised in paragraph 11 above and an adverse comment from the village representative of Shan Ha Tsuen relayed by

DO(YL), HAD (**Appendix V-1**). The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

### 13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 and relayed by DO(YL), HAD in **Appendix V-1**, the Planning Department considers that the temporary vehicle inspection centre with ancillary open storage of vehicles and vehicle parts could be tolerated for a further period of 3 years.
- 13.2 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 and be renewed from 19.10.2022 to 18.10.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no repairing, cleansing or any other workshop activities except vehicle inspection, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles, including container tractors/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;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.1.2023;
- (e) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c) 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
- (g) if the above planning condition (d) 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.

*[Approval conditions (a) to (d) are the same as those under the permission for application No. A/YL-TYST/980; condition (e) has been updated as per the current application; requirements for maintenance of landscaping and boundary fencing, as well as restriction on operation hours have been removed as per the*

*department's latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]*

#### Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

- 13.3 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 intentions of the "O" and "R(A)" zones which are primarily for provision of outdoor open-air public space and high-density residential developments respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

### **15. Attachments**

<b>Appendix I</b>	Application Form with annex and plans received on 8.7.2022
<b>Appendix Ia</b>	FI received on 9.8.2022
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13F
<b>Appendix III</b>	Relevant Extracts of TPB PG-No. 34D
<b>Appendix IV</b>	Previous and Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan with Tree Preservation Proposal
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo



**Plans A-4a and Site Photos**  
**A-4b**

**PLANNING DEPARTMENT**  
**AUGUST 2022**