

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/294

- Applicant** : Eight Gold Limited represented by Mr. Lam Sun Tak
- Site** : Lots 2239 S.B, 2239 S.C, 2239 S.D, 2239 S.E, 2239 S.F, 2239 S.G RP, 2239 S.H RP and 2239 RP in D.D. 104, Mai Po Yuen Long, New Territories
- Site Area** : 1,070m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
- Zoning** : “Village Type Development” (“V”) (about 888m² / 83%)
“Commercial/Residential” (“C/R”) (about 182m² / 17%)
- Application** : Temporary Automatic 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 automatic car washing centre for a period of 3 years (**Plans A-1**). The Site falls within an area mainly zoned “V” (83% of the site area) with a small portion (17%) zoned “C/R” on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6. According to the Notes of the OZP, car washing centre is not under Column 1 or Column 2 of both the “V” and “C/R” zones. Temporary use not exceeding a period of three years may be allowed subject to 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 the applied use without planning permission.
- 1.2 As shown on **Drawing A-2** and **Plans A-1 and A-2**, the Site is accessible from Fairview Park Boulevard. The automatic car washing centre has a total floor area of about 787m² with 6 roofed-over structures (**Drawing A-3**) comprising a covered automatic car washing area (accommodating 17 designated auto-car washing stations, each with a size of 5.5m/6m(L) x 4m(W)), a two-storey container-converted structure as ancillary office for

meeting room (G/F & 1/F) and car beauty services (G/F), a customer service counter, a covered workshop area for car washing equipment, a mechanical room and utility facilities including a septic tank, a cesspool and a wastewater treatment system (**Drawing A-1**). Except for the two-storey container-converted office (5m high), the other structures are single storey (2m to 3.5m high). The car washing centre operates 24 hours from Monday to Sunday.

1.3 The Site is accessible by vehicles from Fairview Park Boulevard via a 6m wide entrance which will be installed with metal pole barrier and floor ramps to control the speed of the vehicles. A roundabout (13m diameter) will be provided at the rear part of the Site for vehicles to reverse using the same ingress/egress for exit (**Drawings A-2 and A-3**).

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

- (a) Application Form received on 13.5.2020 **(Appendix I)**
- (b) Further Information (FI) received on 12.6.2020 on the applicant's proposed measures to minimize adverse impacts [#] **(Appendix Ia)**
- (c) FI received on 1.9.2020 providing responses to the comments of the Environmental Protection Department (EPD) and Transport Department (TD) and updated drawings [#] **(Appendix Ib)**
- (d) FI received on 9.9.2020 providing responses to the comments of EPD and TD and a revised layout plan [#] **(Appendix Ic)**
- (e) FI received on 29.9.2020 providing responses to the comments of EPD and TD and clarification on vehicular manoeuvring and access arrangement with revised plans [#] **(Appendix Id)**
- (f) FI received on 15.12.2020 providing responses to the comments of TD and a revised layout plan [#] **(Appendix Ie)**

[#] *accepted and exempted from the publication and recounting requirements*

1.5 On 10.7.2020 and 9.10.2020, the Committee decided to defer a decision on the application for a period of two months respectively as requested by the applicant to allow time for the applicant to prepare and submit FI to address departmental comments. The applicant subsequently submitted FI as detailed in paragraph 1.4 above. 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 and the FI in **Appendix Ia to Appendix Ie**. They can be summarized as follows:

- (a) The applicant is a group of youngsters of 1990s pursuing their own business and committed to protecting the environment. There are many luxurious residences in the area where the residents are commuting by private vehicles, and there is a lack of high quality car washing centre in the area. Though there are currently some small scale car washing workshops in the area, these workshops are using water from domestic pipes or public pipes/toilet for car washing and would discharge the untreated waste water to the culverts in the villages, thereby seriously damaging the rural area.
- (b) The subject car washing centre is operating via a computerized system. The auto-car washing is using a high pressure water jet with foggy spread which will consume a small amount of water to minimize the waste water effluent. A toilet is provided at G/F of the meeting room and the waste water will be drained to the adjoining septic tank. A cesspool and a wastewater treatment system will be provided for treatment of the wastewater generated from the car washing activities and the waste generated from the Site will be disposed of by a waste management contractor by a 15-tonnes truck from time to time when the water tank is full. The wastewater treatment system will be designed and implemented according to EPD's stipulated guidelines and requirements.
- (c) Only private cars will be served. On-site staff will direct the private cars to park at the 17 designated auto-car washing stations in an orderly manner to minimize the traffic impact on Fairview Park Boulevard. There is sufficient space within the Site for vehicle manoeuvring and metal pole and floor speed ramps will be provided to control the speed of the vehicles entering and leaving the Site to avoid traffic accident. The noise level of the car washing activity will be kept to a low level. Government requirements and any approval conditions imposed by the Board will be complied with and the applicant will maintain good relationship with the locals. No adverse traffic and environmental impacts are expected to be generated by the applied use.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is subject to a public complaint received by the Planning Department. A site inspection was conducted on 13.5.2020 revealing that the Site was used for car

washing centre without planning permission. Appropriate planning enforcement action will be instigated subject to sufficient evidence collected.

5. Previous Applications

The Site is the subject of two previous applications. The “V” portion of the Site was the subject of Application No. A/YL-MP/17 for proposed public car/lorry park use, while the whole site was the subject of Application No. A/YL-MP/117 for temporary open storage of vehicles for a period of 3 years. Both were rejected by the Committee on 28.2.1997 and 25.4.2003 respectively on the grounds that the proposed developments were not in line with the planning intention of the “V” zone, not compatible with the nearby village settlements, the site was not suitable for the proposed development because of its elongated configuration and narrow road frontage (for A/YL-MP/17 only), and insufficient information to demonstrate the proposed developments would not have adverse impacts on the surrounding areas. Details of the applications are summarized in **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Applications

There is no similar application for car washing centre within the same “V” and “C/R” zones on the OZP.

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

7.1 The Site is:

- (a) currently used for the applied use without planning permission;
- (b) located by the western side of San Tin Highway and Castle Peak Road-Tam Mi, and to the northwest of the Fairview Park Roundabout; and
- (c) accessible from Fairview Park Boulevard to its south.

7.2 The surrounding areas have the following characteristics:

- (a) there is a nullah running to the east and north of the Site.
- (b) to its immediate east are an existing restaurant and vehicle parking area. Across the nullah is a public road;
- (c) to its north is a warehouse and across the nullah are some residential dwellings, unused/vacant land and open storage/warehouse uses;

- (d) to its immediate west along Fairview Park Boulevard are a petrol filling station, a residential dwelling, open storage of vehicles and a car service shop;
- (e) to its northwest are a vehicle repair workshop, a parking area and area used for gardening purpose; and
- (f) to its south is Fairview Park Boulevard with residential and commercial developments including shops and car services within the “C/R” zone along the Boulevard.

8. Planning Intention

- 8.1 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within the zone is primarily intended for development of Small Houses by indigenous villagers and to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 The planning intention of the “C/R” zone is for commercial and/or residential development. A selected range of commercial uses are always permitted to serve the local community.

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 (DLO/YL):
 - (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 from his office.
 - (b) Should planning approval be given, the applicant will need to apply to his office to permit the structures to be erected or regularize any irregularity on the Site, if any.

- (c) Besides, given the applied 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 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 LandsD.
- (d) There is no Small House application approved or under processing at the Site.

Traffic

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

- (a) The Site is connected to the public road network via a section of a private road which is not managed by the Transport Department (TD). Besides, referring to the layout plan showing the vehicular entrance point in **(Drawing A-2)**, the land between the Site and the existing footpath is not managed by TD. The land status of the local access road, access right of land and the occupation of Government land should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) The applicant should be advised to provide proper run-in/run-outs with design standard complying with the requirements of the Transport Planning and Design Manual (TPDM).
- (c) Having considered the applicant's further information in **Appendix Ie**, he has no further comment on the application from the traffic engineering point of view.
- (d) Should the application be approved, the following conditions should be incorporated in the planning permission:
 - provision of sufficient manoeuvring spaces within the Site; and
 - no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

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

- (a) The proposed access and run-in/run-out arrangements of the Site from Fairview Park Boulevard should be approved by TD.
- (b) If the proposed access and run in/out arrangements are agreed by TD, the applicant should provide the run in/out at Fairview Park Boulevard in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Part of Fairview Park Boulevard is maintained by HyD.
- (d) HyD shall not be responsible for the maintenance of any access connecting the Site and the part of Fairview Park Boulevard maintained by HyD.
- (e) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

- (a) He has no comment on the application from railway development viewpoint.
- (b) The Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems.

Environment

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

- (a) He has no objection to the application.
- (b) The Site is located within Deep Bay Water Control Zone and sewage/effluent discharge is expected for the applied use. Based on the information provided in the FI, he has the following understanding:
 - (i) the proposed number of carwash spots have been reduced from 56 spots to 17 spots;

- (ii) the existing amount of wastewater generation is not significant (the applicant claimed that only 1 tanker cleaning is being arranged per week);
 - (iii) a wastewater treatment system in compliance with the Water Pollution Control Ordinance (WPCO) will be provided at a later stage for treatment of wastewater and the applicant will apply for a licence under WPCO from the Environmental Protection Department (EPD); and
 - (iv) a septic tank and soakaway system is proposed for treatment of sewage from the toilet.
- (c) The applicant is advised to strictly comply and follow the relevant requirements including:
- (i) the requirement stipulated in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”; and
 - (ii) effluent discharges from the Site are subject to control under WPCO. A discharge licence under WPCO shall be obtained before a new discharge is commenced. If septic tank and soakaway system are proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” with certification by an Authorized Person.

Nature Conservation

9.1.6 Director of Agriculture, Fisheries and Conservation (DAFC):

As the Site is paved and disturbed, he has no objection to the application from nature conservation point of view.

Drainage

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

He has no objection in-principle to the application from the public drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, the following conditions should be stipulated in the planning approval:

- (a) the submission of a drainage proposal for the development to the satisfaction of the Director of Drainage Services; and
- (b) the implementation of the drainage proposal and maintenance of the drainage facilities for the development to the satisfaction of the Director of Drainage Services.

Landscape

9.1.8 Comments of the Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

The Site does not fall within landscape sensitive zonings and no significant landscape impact is envisaged. As the applied use is unlikely to cause any significant adverse landscape and visual impact, it is considered not necessary to impose a landscape condition should the application be approved by the Board.

Fire Safety

9.1.9 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 proposed structures, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) Moreover, the applicant should be reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) There is no record of approval granted by the Building Authority (BA) for the existing structures at the Site. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are unauthorized building works (UBW) under BO and should not be designated for any proposed use under the subject application. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.
- (b) His detailed comments are at **Appendix IV**.

Environmental Hygiene

9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas, etc., is required, the Food and Environmental Hygiene Department (FEHD) should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD. His detailed comments are at **Appendix IV**.

District Officer's Comments

9.1.12 Comments of the District Officer (Yuen Long) (DO/YL):

His office has no comment on the application and the local comments should be submitted to the Board directly, if any.

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

- (a) Commissioner of Police;
- (b) Project Manager/West, Civil Engineering and Development Department (CEDD);
- (c) Head of the Geotechnical Engineering Office, CEDD;
- (d) Director of Leisure and Cultural Services;
- (e) Director of Electrical and Mechanical Services; and
- (f) Chief Engineer/Construction, Water Supplies Department.

10. Public Comments Received During Statutory Publication Period

On 26.5.2020, the application was published for public inspection. During the first three weeks of the statutory publication period which ended on 16.6.2020, two public comments (**Appendix III**) were received from a member of the Yuen Long District Council who noted that the applied use is already in operation, and a member of the public raising concerns on the wastewater treatment proposal and outdated facilities.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary automatic car washing centre for a period of 3 years at the Site mainly within the “V” zone (83%) with a small portion within the “C/R” zone (17%). The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers, whereas the “C/R” zone is intended primarily for commercial and/or residential development. In both zones, selected commercial and community uses serving the needs of the villagers or the local community are permitted as specified in the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, DLO/YL of LandsD advised that there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long term planning intention of the “V” zone. The subject automatic car washing centre can provide car washing services to the residents in the locality, and is considered generally in line with the planning intention of the “C/R” zone.
- 11.2 The Site is at the fringe of the “V” zone and directly accessible to Fairview Park Boulevard. The car washing centre with 1 to 2 storey structures under application is considered not incompatible with the surrounding area which is rural in character predominated by residential dwellings/structures, restaurant, shops, petrol filling station and car services (**Plans A-2 and A-3**).
- 11.3 Relevant departments including C for T, DEP, CE/MN, DSD, D of FS and CTP/UD&L of PlanD have no objection to or no adverse comment on the application. Approval conditions on traffic, drainage and fire safety requirements are recommended in paragraphs 12.2 (a) to (i) below as per the advice of relevant government departments. Besides, the applicant should be advised to observe WPCO to ensure proper effluent discharge and apply to EPD for a licence for treatment of wastewater, as well as to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” if the application is approved.
- 11.4 The Site is the subject of two previous applications (No. A/YL-MP/17 and No. A/YL-MP/117) for proposed public car/lorry park and proposed temporary open storage of vehicles rejected in 1997 and 2003 as stated in paragraph 5. The automatic car washing centre under the current application

is of a different nature serving private cars only with a different operation mode. Adverse impacts of the current applied use on the surrounding areas are not anticipated.

- 11.5 There are 2 public comments as stated in paragraph 10. The planning assessment and departmental comments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary bases for a period of 3 years until 5.2.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) provision of sufficient manoeuvring spaces within the Site at all times 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 run-in/run-out proposal for the development within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 5.8.2021;
- (d) in relation to (c) above, the provision of the run-in/run-out for the development within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 5.11.2021;
- (e) the submission of a drainage proposal for the development 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 5.8.2021;
- (f) in relation to (e) above, the implementation of the drainage proposal for the development 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 5.11.2021;
- (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 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 5.8.2021;
- (i) in relation to (h) above, the implementation of 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 5.11.2021;
- (j) if any of the above planning conditions (a), (b) 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 conditions (c), (d), (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 development is not in line with the planning intention of the "V" zone which is primarily to designate both existing recognized villages and area or land considered suitable for village expansion. Land within "V" zone is primarily intended for development of Small House by indigenous villagers. No strong 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

Appendix I	Application Form received on 13.5.2020
Appendix Ia	FI received on 12.6.2020
Appendix Ib	FI received on 1.9.2020
Appendix Ic	FI received on 9.9.2020
Appendix Id	FI received on 29.9.2020
Appendix Ie	FI received on 15.12.2020
Appendix II	Previous Applications Covering the Application Site
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Access arrangement Plan
Drawing A-3	Vehicular Manoeuvring Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**