

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/264

<u>Applicant</u>	Classic Auto-Cycle Museum Limited
<u>Site</u>	Government Land in D.D. 114, Shek Kong, Yuen Long
<u>Site Area</u>	About 1,120m ²
<u>Land Status</u>	Government Land
<u>Plan</u>	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	“Village Type Development” (“V”) on the Shek Kong OZP (about 1,073m ² , 95.8%) and Area not covered by any OZP (about 47m ² , 4.2%)
<u>Application</u>	Proposed Temporary Place of Recreation, Sports, or Culture (Motor Museum) and Eating Place (Café) 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 ‘place of recreation, sports, or culture’ (motor museum) and ‘eating place’ (café) uses for a period of 3 years (**Plan A-1**). The major portion of the Site (about 1,073m², 95.8%) falls within an area zoned “V” on the Shek Kong OZP. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ and ‘Eating Place’ are Column 2 uses within the “V” zone, which require planning permission from the Town Planning Board (the Board). Besides, a minor portion of the Site (about 47m², 4.2%) falls within an area not covered by any OZP.
- 1.2 According to the applicant’s submission, the applicant is a charitable organization registered under Section 88 of the Inland Revenue Ordinance. The Site is proposed to be used as a motor museum to display classic motor vehicles and to tell the story of Hong Kong’s motoring history. The museum and café will be open to the public and tourists, with the museum being free of charge to visit. A total of five 1-storey temporary structures (of about 3-4m high) including two pavilions (i.e. Pavilions 1 and 2 for motor museum exhibition and classic vehicles display uses), two toilets and one refuse collection point will be erected on the Site. Together with the proposed decommissioned double-decker bus (of about 5.5m high), the total non-domestic

floor area will be about 282.2m² (**Drawings A-1 to A-2**). About 85% of the total floor area will be allocated to the museum exhibition uses under Pavilions 1 and 2 and inside the bus compartment, whereas the remaining 15% will be allocated for eating place (café) inside the bus compartment (**Drawing A-3**). Besides, Pavilions 1 and 2 will be occasionally used as a venue for parties and dining with refreshment served by the café. The proposed development will operate from 10:00am to 8:00pm during Mondays to Fridays and from 7:00am to 10:00pm during Saturdays and Sundays. It is estimated that the maximum number of visitors would be about 29 at any one time. The Site is directly accessible from Route Twisk via adjacent Government land to the immediate north of the Site, and a service access branching from adjacent village track to the west of the Site is proposed (**Plan A-2**). There will be 4 private car parking spaces, 5 motorcycle parking spaces and 5 bicycle parking spaces provided at the Site (**Drawing A-5a**). The applicant would apply to the Government for a strip of land along the adjacent pavement off the Site to accommodate another 6 motorcycle parking spaces (**Drawing A-5b**) during busier times at weekends and public holidays. In addition, the applicant is committed to preserving all existing trees at the Site, and there will be no tree felling on Site. The layout plan, elevation, uses distribution plan, landscape plan and parking spaces provision plan submitted by the applicant are at **Drawings A-1 to A-5**.

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

- | | | |
|-----|--|----------------------|
| (a) | Application form received on 10.9.2019 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix Ia) |
| (c) | Supplementary Information dated 13.9.2019 | (Appendix Ib) |
| (d) | Further Information dated 23.10.2019
<i>(exempted from publication requirement)</i> | (Appendix Ic) |
| (e) | Further Information dated 28.10.2019
<i>(exempted from publication requirement)</i> | (Appendix Id) |
| (f) | Further Information dated 29.10.2019
<i>(exempted from publication requirement)</i> | (Appendix Ie) |

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 4 of the Supplementary Planning Statement submitted by the applicant (**Appendix Ia**) and Further Information (**Appendices Ic to Ie**), and are briefly summarized as follows:

- (a) The proposed development would create a small-scale tourism landmark providing a unique cultural experience. There is currently no similar cultural facility in Hong Kong displaying transport/motor history of Hong Kong or Mainland China.
- (b) The proposed motor museum facility would become a popular and common attraction in the New Territories, where the local motoring heritage can be displayed.
- (c) Route Twisk, where the proposed motor museum is located, is a well-known highway to motoring enthusiasts. The proposed development would act as a motoring focus in the area.

- (d) The proposed motor museum with café can co-exist very compatibly and harmoniously with the surroundings and villages.
- (e) In terms of traffic management, the applicant proposes a parking space pre-booking system for the visitors who drive to the Site during weekends and public holidays to avoid causing congestion to the area. The applicant further supplements that pedestrian movement along the adjacent pavement is low and that the proposed roadside parking spaces along Route Twisk of the Site would not lead to road safety concern to the pedestrians and vehicular traffic at Route Twisk.
- (f) Upon obtaining the planning approval, the applicant would approach Tourism Commission (TC) to seek their policy support to the proposed development at the Site. TC has given policy support to the annual motoring shows held in Central by the applicant, which involved a road closure permit issued by the Transport Department (TD).

3. Background

The Site is not subject to any outstanding planning enforcement case.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application for temporary place of recreation, sports or culture and eating place uses within the same “V” zone on the OZP.

6. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)

6.1 The Site is:

- (a) vacant and covered by grasses, groundcovers and some trees; and
- (b) is directly accessible from Route Twisk via adjacent Government land to the immediate north of the Site.

6.2 The surrounding areas are predominantly rural in character and mainly occupied by rural residential structures/dwellings and Shek Kong Barracks:

- (a) to its immediate north and northeast is Route Twisk, and to further northeast and east are Shek Kong Barracks (Shek Kong Village) and an electricity substation not covered by any OZP; and
- (b) to its south, southwest, west and northwest are residential structures/dwellings intermixed with some restaurants, open storage of

construction materials, fallow farmland and vacant/unused land.

7. Planning Intention

The planning intention of “V” zone is primarily 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. It is also intended to concentrate village type development within the “V” 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. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD):

- (a) the Site is on unleased Government Land (GL);
- (b) no permission has been given for occupation of GL (about 1120 m² subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28.3.2017;
- (c) the Site is accessible from Route Twisk via GL. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site;
- (d) the Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA;
- (e) the Site may affect/block the access of the adjoining private lots/residents nearby;
- (f) under the prevailing policy, direct grant Short Term Tenancy (STT) over GL that is capable of separate alienation would only be

considered if the applicant could obtain a policy support from the relevant bureau/department for the proposed development even if a planning permission is given. However, there is no guarantee that such application(s) will be approved; and

- (g) there is no Small House application approved or currently under processing at the Site.

Traffic

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

- (a) he has no comment on the application from traffic engineering perspective;
- (b) should the application be approved, the conditions (i) prohibiting vehicles to queue back to or reverse onto/from public road at any time during the planning approval period; and (ii) requiring the implementation of traffic control measures, as proposed by the applicant, to the satisfaction of the C for T or of the Board should be included in the planning approval; and
- (c) the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) HyD is not and will not be responsible for the maintenance of any access connecting the Site with Route Twisk;
- (b) the applicant should provide the proposed run-in/out at Route Twisk 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; and
- (c) adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

Landscape

8.1.4 Comments of the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L of PlanD):

- (a) he has no objection to the application from landscape planning perspective;

- (b) based on the aerial photo taken on 13.3.2018, the Site is situated in an area of rural landscape character comprising scattered tree groups and Small Houses. Given the nature of the proposed use and its proximity to the village settlement, it is not entirely incompatible with the surrounding landscape character; and
- (c) with reference to the site inspection on 12.9.2018, the Site is vacant and covers with grasses and groundcovers. One mature *Dimocarpus longan* (龍眼) and *Litchi chinensis* (荔枝) with high amenity value are recorded at the southern part of the Site, whereas a group of young *Macaranga tanarius* (血桐) and *Erythrina variegata* (刺桐) are found at the central part. One *Casuarina equisetifolia* (木麻黃) is found toppled near the northern boundary. Two mature *Dimocarpus longan* (龍眼) with high amenity value are recorded adjacent to the western boundary. Referring to the layout plan and landscape plan submitted by the applicant (**Drawings A-1 and A-4**), all existing trees would not be in conflict with the proposed development. Significant adverse impact to landscape resources within the Site is not anticipated.

Nature Conservation

8.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) he has no strong view on the application from nature conservation point of view;
- (b) his recent site inspection reveals that the Site is covered by common herbaceous plants and a number of common native and exotic trees; and
- (c) although the proposed development would not involve any tree felling, construction of the concrete path would encroach onto some existing trees proposed to be preserved. From tree preservation perspective, trees located on Government land shall be preserved as far as possible. Should the application be approved, the applicant shall be reminded that prior approval(s) shall be obtained from relevant authorities for any felling/pruning of trees, and proper protection measures should be in place to prevent the preserved trees from damage by construction of the proposed development.

Environment

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

should the application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Drainage

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

- (a) he has no objection in-principle to the proposed development from the public drainage point of view; and
- (b) should the application be approved, the conditions requiring the submission of a 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 included in the planning approval.

Fire Safety

8.1.8 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, noting that the Site would not encroach onto any existing vehicular access or emergency vehicular access (EVA);
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. As such, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The detailed requirements of the FSIs proposal are at **Appendix III**; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or application for licence for the eating place at the Site is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.

Food and Environmental Hygiene

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

- (a) proper licence / permit issued by Food and Environmental Hygiene Department (FEHD) is required if food business or related place of entertainment is involved:
 - (i) for the operation of any types of food business, relevant food licences should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132);
 - (ii) any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether it is temporary or

permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment under the Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislations, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment; and

- (b) if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

District Officer's Comments

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

he has not received any comments from locals upon close of consultation and he has no particular comments on the application.

8.2 The following Government departments have no objection to/adverse comment on the application.

- (a) The Secretary for Security (S for S);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C of WSD);
- (c) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW of BD);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Project Manager/West, Civil Engineering and Development Department (PM/W of CEDD);
- (f) Commissioner of Police (C of P); and
- (g) Director of Electrical and Mechanical Service (DEMS).

9. Public Comments Received During Statutory Publication Period

On 17.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.10.2019, a total of 14 public comments was received (**Appendix II**). One member of public supports the application mainly on the grounds that the proposed development would become a weekend destination for the locals and a point of attraction for the tourists, although it plans to operate in small size and scale. Another 13 comments from two indigenous inhabitant representatives, one resident representative, one village committee chairperson and six local residents of Sheung Tsuen and three members of public object to the application mainly on the following grounds:

- (a) the proposed development will bring flooding problem and adverse environmental impacts to the village neighbourhood including *feng shui* woodland at/near the Site. Village *feng shui* would also be affected;
- (b) Traffic accidents along Route Twisk have been observed sometimes. With the additional traffic generated by the proposed development, the traffic safety risk to the road users, and traffic noise in the area would be further increased. In addition, since the proposed ingress/egress of the Site is located at the end of a steep ramp of Route Twisk, vehicles entering the Site would need to make a sharp left turn, creating traffic safety concerns to the vehicles and pedestrians;
- (c) the EVA to existing structures near the Site may be adversely affected by the proposed development, posing fire safety concerns;
- (d) the proposed eating place at the Site is in close proximity to residential structures/dwellings, which may bring about cooking fume nuisance and sewage discharge. This may also be in breach of relevant legislations; and
- (e) the proposed motor museum and café should be developed at the brownfield site, instead of an undisturbed green site.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed temporary place of recreation, sports, or culture (motor museum) and eating place (café) at the Site for a period of 3 years. The major portion of the Site (95.8%) falls within an area zoned “V” on the approved Shek Kong OZP, while a minor portion (4.2%) falls within an area not covered by any OZP (**Plan A-1**). The planning intention of “V” zone is primarily 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. According to the applicant, the proposed motor museum and café at the Site is intended to create a small-scale tourism landmark in the area that offers a unique motoring heritage and cultural experience to the local and overseas visitors. Although the proposed uses are not in line with the planning intention of “V” zone, the proposed motor museum with café use is temporary in nature. In addition, DLO/YL of LandsD advised that there is no Small House application approved or currently under processing at the Site. It is therefore considered that 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.
- 10.2 The proposed development with five 1-storey temporary structures (of about 3-4m high) and a decommissioned double-decker bus (of about 5.5m high) is not incompatible with the surrounding environment which is mainly occupied by rural residential structures/dwellings and Shek Kong Barracks (**Plan A-2**). The Site is directly accessible from Route Twisk via adjacent Government land to the immediate north of the Site. A total of 4 private car parking spaces, 5 motorcycle parking spaces and 5 bicycle parking spaces (**Drawing A-5a**) are proposed within the Site, while 6 motorcycle parking spaces off the Site (**Drawing A-5b**) would be provided. Traffic management and parking provision issues including the 6

motorcycle parking spaces off the Site could be dealt with by way of a planning approval condition requiring the implementation of the traffic control measures by the applicant to C for T's satisfaction (paragraph 11.2 (d)). C for T has no objection to the application from traffic engineering perspective. In addition, the applicant is committed to preserving all existing trees at the Site, and there will be no tree felling on Site. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective. Other concerned departments including S for S, DAFC, DEP and CE/MN of DSD have no objection to/no comment on the application from security, nature conservation, environmental and drainage aspects. It is anticipated that the proposed development would not have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours are recommended in paragraph 11.2 (a) and (b) below. Any non-compliance with the approval conditions will result in revocation of the planning permission. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 11.2 (c) to (i). Besides, the applicant would be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP.

- 10.3 Regarding the public objections/concerns mainly on environmental nuisance, traffic and fire safety aspects as stated in paragraph 9, the departmental comments, and planning considerations and assessments as stated in paragraphs 10.1 and 10.2 are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments in paragraph 9, the Planning Department has no objection to the application.
- 11.2 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 1.11.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 7:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 10:00 p.m. from Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the implementation of traffic control measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the

Commissioner for Transport or of the Town Planning Board by **1.8.2020**;

- (e) the submission of 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 **1.5.2020**;
- (f) in relation to (e) above, the implementation of 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 **1.8.2020**;
- (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 proposal for fire service installations and water supplies for fire-fighting 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 **1.5.2020**;
- (i) in relation to (h) above, the implementation of proposal for fire service installations and water supplies for fire-fighting 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 **1.8.2020**;
- (j) if any of the above planning conditions (a), (b), (c) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice; and
- (k) if any of the above planning conditions (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 at **Appendix III**.

11.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed development is not in line with the planning intention of the "V" zone which is primarily 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. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application form received on 10.9.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information dated 13.9.2019
Appendix Ic	Further Information dated 23.10.2019
Appendix Id	Further Information dated 28.10.2019
Appendix Ie	Further Information dated 29.10.2019
Appendix II	Public Comments
Appendix III	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Elevation
Drawing A-3	Uses Distribution Plan
Drawing A-4	Landscape Plan
Drawings A-5a to A-5b	Parking Spaces Provision Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos