

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

**APPLICATION NO. A/HSK/42**

- Applicant** : Grandway Investment Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 826 S.B RP (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : 3,360 m<sup>2</sup> (about) (including about 910 m<sup>2</sup> of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Vehicle Service Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary vehicle service centre for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zone 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.
- 1.2 The Site is related to 8 previous applications for various temporary car park and temporary vehicle service centre uses (**Plan A-1b**). The last application No. A/YL-HT/938 for the same applied use and submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions for a period of 3 years on 13.3.2015 and valid until 13.3.2018 (**Plan A-1b**). The applicant has complied with all the time-limited approval conditions. The current application involves reducing the total floor area of temporary structures but increasing the number of parking spaces. The Site is currently being used for the applied use.

- 1.3 The Site is accessible from Ping Ha Road via Yu Yip New Road through an ingress/egress point at the northern boundary of the Site (**Plan A-2** and **Drawing A-1**). According to the layout plan at **Drawing A-2**, there are two temporary structures with a total floor area of not exceeding 1,218m<sup>2</sup>, including a 7.6m high temporary structure, comprising a 2-storey warehouse for storing vehicle spare parts and toilet (not exceeding 346m<sup>2</sup>), a 2-storey site office (not exceeding 45m<sup>2</sup>) and a single-storey work bay (not exceeding 820m<sup>2</sup>) with 6 parking spaces for medium/heavy goods vehicle, container tractor and coach; and another 1-storey 3m high structure for guardroom (not exceeding 7m<sup>2</sup>). 10 parking spaces for medium/heavy goods vehicle, container tractor and coach, and 4 parking spaces for private car are also proposed in the open area at the north-eastern part of the Site (**Drawing A-1**). According to the applicant, the operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. The proposed tree preservation and landscape plan and as-built drainage plan are at **Drawings A-3** and **A-4** respectively.
- 1.4 A comparison of the major development parameters of the last approved application and the current application is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-HT/938) (a)</b>	<b>Current Application (A/HSK/42) (b)</b>	<b>Difference (b) – (a)</b>
Site Area	about 3,360 m <sup>2</sup> (including about 910m <sup>2</sup> of GL)	about 3,360 m <sup>2</sup> (including about 910m <sup>2</sup> of GL)	same
Applied Use	Temporary Vehicle Service Centre for a Period of 3 Years	Temporary Vehicle Service Centre for a Period of 3 Years	No change
No. of Structures	3	2	-1
Total Floor Area	1,857.5 m <sup>2</sup>	1,218m <sup>2</sup>	-639.5m <sup>2</sup>
Uses of Structures	work bay, warehouse, site office, open sheds, pantry, locker and changing room, toilet, storeroom, rain shelter, guardroom and staff restroom	work bay, warehouse, site office, toilet, guardroom	deletion of pantry, locker and changing room, toilet, rain shelter, staff restroom
No. of Parking Spaces	<ul style="list-style-type: none"> <li>• 6 (for medium/heavy goods vehicle, container tractor and coach)</li> <li>• 4 (for private car/light goods vehicle)</li> </ul>	<ul style="list-style-type: none"> <li>• 16 (for medium/heavy goods vehicle, container tractor and coach)</li> <li>• 4 (for private car)</li> </ul>	+10 (medium/heavy goods vehicle, container tractor and coach)

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

- (a) Application Form received on 8.12.2017 **(Appendix I)**
- (b) Supplementary planning statement with location plan, proposed tree preservation and landscape plan, and as-built drainage plan **(Appendix Ia)**
- (c) Letter of 13.12.2017 clarifying the number and size of parking spaces for medium/heavy goods vehicle, container tractor and coach **(Appendix Ib)**

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

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The planning intention of the “O” zone could not be realized within the coming 3 years since land resumption for the development of Hung Shui Kiu new town is yet to commence.
- (b) The operation hours are from 8:00 a.m. to 8:00 p.m. from Monday to Saturdays and no operation on Sundays and public holidays.
- (c) The development is intended for serving container tractor, medium and heavy goods vehicle and coach. Handover of new vehicles to client, inspection, car washing, storing of spare parts at warehouse and repairing service will be carried out at the Site. No vehicle spraying will be carried out at the Site.
- (d) The site falls within Category 1 areas under the Town Planning Board Planning Guidelines for Application of Open Storage and Port Back-up Uses (TPB PG-No.13E) which are considered suitable for open storage and port back-up uses.
- (e) Open storage yards, vehicle parks for heavy goods vehicle and container trailer, container depots and logistics centre are found in close proximity which make the proposed development compatible with the surrounding landscape. The proposed development would benefit the adjoining uses because goods vehicles and container tractors are widely used for open storage and port back-up activities.
- (f) The site was the subject of a number of approved applications for temporary public vehicle park since 2001. The last two previously approved planning applications were for similar temporary vehicle service centre for 3 years to that of the current application. In view of additional car parking spaces and reduced scale of structures proposed, a fresh application is submitted. The planning circumstance pertaining to the Site and its surroundings remain unchanged since the last approval of the planning permission in 2015.
- (g) The approval conditions of the last planning application No. A/YL-HT/938 have all been complied with.

- (h) Preliminary technical proposals demonstrate that the impact on drainage, environmental, traffic and landscape aspects would be insignificant. The applicant has proposed environmental mitigation measures including hard paving of the Site to reduce dust and to minimize potential environmental impact.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information will be deposited at the meeting for Members’ inspection.

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

On 17.10.2008, the Board promulgated the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site falls within Category 1 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

As the Site is still covered by a valid planning application No. A/YL-HT/938, it is not subject to any active planning enforcement case.

### **6. Previous Applications**

- 6.1 The site is involved in 8 previous applications Nos. A/YL-HT/172, 382, 581, 630, 696, 867, 902 and 938 for various temporary public car park and vehicle service centre use in the HSK & HT OZP. Details of these applications are at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 All of the previous applications were approved by the Committee or the Board with conditions. However, application Nos. A/YL-HT/581, 630 and 867 were subsequently revoked due to non-compliance with approval conditions. The last application (No. A/YL-HT/938) for temporary vehicle service centre for a period of 3 years was approved by the Committee on 13.3.2015 and is valid until 13.3.2018. All the time-limited approval conditions have been complied with.
- 6.3 Comparing with the last application A/YL-HT/938, the current application is submitted by the same applicant for the same use on the same site. The number of proposed structures has reduced from 3 to 2 (-1), with the total floor area reduced from 1,857.5m<sup>2</sup> to 1,218m<sup>2</sup> (-639.5m<sup>2</sup>). 10 additional parking spaces for medium/heavy goods vehicle, container tractor and coach are proposed.

### **7. Similar Applications**

- 7.1 There are two similar applications (No. A/YL-HT/914 and 1046) for similar open storage of vehicles and vehicle inspection and repairing workshop at the same location within the same “O” zone on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. Particulars of these applications and the decisions of the Committee are summarized at **Appendix IV**. The locations of these application sites are shown on **Plan A-1a**.

7.2 All two similar applications were approved with conditions by the Committee. Amongst these applications, one application (No. A/YL-HT/914) was subsequently revoked due to non-compliance with approval conditions.

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

8.1 The site is:

- (a) being used for the applied use under the planning permission (Application No. A/YL-HT/938); and
- (b) accessible from Ping Ha Road via Yu Yip New Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the east is Tin Ying Road;
- (b) to its immediate south are a yard for vehicle park and a yard for open storage of vehicles and vehicle repair workshop under planning permissions of Application No. A/YL-HT/1024 and A/YL-HT/1046 respectively;
- (c) to its immediate west and southwest are a yard for open storage of vehicles, a yard for open storage of scrap metal and a yard for parking of vehicle and vehicle repair workshop; to its further southwest across Ping Ha Road is a yard for parking of vehicles and car services, which are suspected unauthorized developments (UDs); and
- (d) to its northwest across Yu Yip New Road are an open storage yard of trailers and car park which are suspected UD and vacant land; to its further northwest are a temporary public works regional laboratory under planning permission of Application No. A/YL-HT/1018 and a logistics centre operating under planning permission of Application No. A/YL-HT/1078.

## **9. Planning Intention**

The planning intention of the “O” zone is intended 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.

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

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

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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) A portion of the GL (about 81m<sup>2</sup>) in the Site is covered by a Short Term Tenancy (STT) No. 2794 for the purpose of “Temporary Vehicle Service Centre”.
- (c) No permission is given for occupation of the remaining GL (“the remaining GL”) (about 829m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that the act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (d) The private land of Lot No. 826 S.B RP in D.D. 125 is covered by Short Term Waiver (STW) No. 3951 to permit structures for the purpose of “Temporary Vehicle Service Centre”.
- (e) The Site is accessible to Ping Ha Road through a local road on GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way.
- (f) The Site does not fall within any Shek Kong Airfield Height Restriction Area.
- (g) Should the application be approved, the STT/STW holders will need to apply to his Office for modification of the STT/STW conditions if there are any irregularities on Site. The applicant has either to exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Such application(s) will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

#### 10.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

**Environment**

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

- (a) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (b) Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

**Drainage**

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

- (a) According to the applicant’s submission, the existing drainage facilities which was implemented under an approved application No. A/YL-HT/938 will be maintained for the subject development. He has no objection in principle to the development from a drainage point of view.
- (b) Should the application be approved, he would suggest a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

**Building Matters**

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site and BD is not in a position to offer comments on their suitability for the proposed use in the application.

- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

### **Fire Safety**

#### 10.1.7 Comments of Director of Fire Services (D of FS):

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the structures, 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.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Long Term Development**

10.1.8 Comments of Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the proposed temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned fall within a site under Stage 4 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

### **Others**

10.1.9 Comments of Director of Leisure and Cultural Services (DLCS):

- (a) The Site falls within the area zoned “Open Space” on the Draft HSK & HT OZP. It is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) He notes the application period is only 3 years and have no in-principle objection to the application.

### **District Officer’s Comment**

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

His office has not received any comment from the locals on the application.

10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Development (2), Water Supplies Department (CE/Dev (2), WSD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (e) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (f) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD).

## **11. Public Comments Received During Statutory Publication Period**

On 15.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 5.1.2018, no public comment was received.

## **12. Planning Considerations and Assessment**

12.1 The site falls within Category 1 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

12.2 The Site falls within area zoned “O” on the HSK & HT OZP. The “O” zone is intended 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. Whilst the development is not in line with the planning intention of the “O” zone, the implementation programme for this part of NDA is still being formulated and PM/NTW of CEDD and DLCS have no objection to the proposed temporary use for 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.

12.3 The applied use is not incompatible with the surrounding uses mainly including vehicle parks and repair workshops, car services centres, logistics centre and open storage yards (**Plan A-2**).

12.4 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up uses; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.

12.5 There is no substantiated environmental complaint against the Site over the past 3 years. To minimize any possible environmental nuisances or to address the technical requirements of the concerned Government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the adjacent areas.

- 12.6 The Committee has approved 2 previous applications for the same use at the Site and 2 similar applications within the subject “O” zone on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plans A-1a & 1b**).
- 12.7 There is no public comment received on the application during the statutory publication period.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the proposed temporary vehicle service centre could be tolerated for a 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 until **26.1.2021**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (d) no vehicle spraying activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **26.4.2018**;
- (h) the existing landscape planting on the Site shall be maintained at all time during the planning approval period;
- (i) 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 **26.7.2018**;

- (j) in relation to (i) 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 **26.10.2018**;
- (k) if the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (i) or (j) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "O" zone which is intended 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. There is no strong planning justification in the submission for a departure from the planning intention, 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 reasons for rejection should be given to the applicant.

**15. Attachments**

- Appendix I** Application Form received on 8.12.2017
- Appendix Ia** Supplementary planning statement with proposed layout plan, landscape and tree preservation plan, as-built drainage plan

<b>Appendix Ib</b>	Letter of 13.12.2017 clarifying the number and size of parking spaces for medium/heavy goods vehicle, container tractor and coach
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix III</b>	Previous applications covering the application site
<b>Appendix IV</b>	Similar applications within the subject "O" zone on the draft HSK and HT OZP
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site and Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<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
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2018**