

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

**APPLICATION NO. A/HSK/220**

- Applicant** : Mr. LAM Ping Ki
- Site** : Lots 2409 (Part) and 2377 RP (Part) in D.D.124 and Adjoining Government Land (GL), Hung Shui Kiu Tin Sam Road, Yuen Long
- Site Area** : 1,380m<sup>2</sup> (about) (including about 280m<sup>2</sup> of GL (about 20%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group A) 4” (“R(A)4”)  
*[Restricted to a maximum plot ratio of 5 and a maximum building height of 140 mPD]*
- Application** : Temporary Public Vehicle Park (Private Cars) 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 public vehicle park (private cars) for a period of 3 years (**Plan A-1**). The Site falls within the “R(A)4” zone on the approved HSK and HT OZP No. S/HSK/2. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ within “R(A)4” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently being used for public vehicle park without a valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is subject to a previous planning application (No. A/YL-PS/12) for proposed comprehensive development with minor relaxation on building height which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 8.8.1997 (**Plan A-1**). The planning permission lapsed on 8.8.2003.
- 1.3 The Site is accessible from Hung Shui Kiu Tin Sam Road via a local track to the southwest of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the temporary public vehicle park will provide 58 private car parking spaces, and operate from 7 a.m. to 9 p.m. daily (except public holidays). Four temporary single-storey structures for rain shelter, site office and storage uses with a total floor area of 280 m<sup>2</sup> and building height of about 3m to 3.5m are to be erected on its southwestern part of the Site. The estimated vehicular trips to/from the Site

would be about 6 to 7 vehicles per hour during peak hours and 1 to 2 vehicles per hour during non-peak hours. The proposed layout plan showing the vehicular access, landscape and tree preservation proposal and drainage proposal are shown at **Drawings A-1 to A-3**.

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

- (a) Application Form received on 17.4.2020 with plans and **(Appendix I)** proposals
- (b) Supplementary information from the applicant dated **(Appendix Ia)** 21.4.2020 clarifying the background information

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

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form and supplementary information at **Appendix I** and **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development is compatible with the surrounding area.
- (b) The proposed development would provide car parking spaces to serve the local residents' demand.
- (c) The applicant will comply with the approval conditions and ensure the proposed development will not have environmental impact to the surrounding area.
- (d) The daily traffic flow will generate 6 to 7 trips/hour during peak hours and 1 to 2 trips/hour during non-peak hours.
- (e) The rain shelter is a single storey structure which is a covered place to prevent rain and sunshine.

## **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. 31) by posting site notice and registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. The "Owner's Consent/Notification" Requirements under TPB PG-No. 31 are not applicable to the Government land portion.

## **4. Background**

The parking of vehicles on the Site would be subject to planning enforcement action.

## 5. Previous Application

The Site is subject to a previous application No. A/YL-PS/12 for proposed comprehensive development with minor relaxation on building height covering a much larger site, which was approved with conditions by the Committee on 8.8.1997. However, the approved scheme had not been executed and the planning permission lapsed on 8.8.2003. Details of the application is summarized at **Appendix II** and its location is shown on **Plan A-1**.

## 6. Similar Applications

6.1 There are 8 similar applications (No. A/YL-PS/267, 277, 288, 296, 331, 354, 368, 471) when the Site was zoned “Comprehensive Development Area” (“CDA”) on the then Ping Shan OZP, and 5 similar applications (No. A/HSK/2, 39, 54, 208 and 209) for temporary public vehicle park uses within the same “R(A)4” zone on the current OZP. Details of the applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

6.2 All these applications were approved by the Committee between 2007 and 2020 taking into consideration that the temporary use would not frustrate the long term planning intention of the zone and the use was not incompatible with the immediate surrounding land uses. Amongst these applications, planning approvals under applications No. A/YL-PS/267, 288, 331, 354, 357 and A/HSK/2 were subsequently revoked due to non-compliance with time-specific approval conditions, whereas the permissions under applications No. A/YL-PS/277 and 471 were subsequently revoked due to non-compliance with approval conditions regarding prohibiting parking of heavy and unlicensed vehicle on site respectively.

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

7.1 The Site is:

- (a) fenced and hard-paved, with an entrance gate at its southwest boundary;
- (b) currently used for public vehicle park without a valid planning permission; and
- (c) accessible directly from Hung Shui Kiu Tin Sam Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to the north is canteen, office and residential dwellings. To its further north across Hung Shiu Kiu Tin Sam Road are a bus terminus and Hung Fuk Estate;
- (b) to the east is an open storage of containers and storage yard, and to its north-east is a public vehicle park under a valid planning permission (No. A/HSK/208);
- (c) to the south are some residential dwellings, parking of vehicles and storage yard; and to its further south are open storage yards of construction materials,

the MTR Hung Shui Kiu Bus Depot and a public vehicle park under a valid planning permission (No. A/HSK/209); and

- (d) to the west are some residential dwellings, warehouse, open storage yard of construction materials and a canteen.

## **8. Planning Intention**

The planning intention of the “R(A)4” zone in the approved HSK and HT OZP is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

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

- 9.1 The following Government departments have been consulted and their views on the application and the public comments are summarized as follows:

### **Land Administration**

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

- (a) The Site comprises Government Land (GL) and Old Schedule Agricultural Lots (OSALs). The OSALs are 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) No permission is given for occupation of the GL included in the Site (about 120m<sup>2</sup> subject to verification). The act of occupation of GL without Government’s prior approval is not allowed.
- (c) According to his record, there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.
- (d) Should the application be approved, the lot owners(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) 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(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**

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

- (a) He has no adverse comment on 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 public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

9.1.3 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 access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Shui Kiu Tin Sam Road.

## **Environment**

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

- (a) This was no substantiated environmental complaint pertaining to the Site received in the past 3 years.
- (b) Should the application be approved, the applicant is 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' ('COP') to minimize any potential environmental nuisance.

## **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and

maintain the proposed drainage facilities to the satisfaction of his Division.

- (b) He has the following comments on the submitted drainage proposal:
- (i) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands.
  - (ii) The full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system) should be clearly indicated.
  - (iii) The existing village drain, to which the applicant proposed to discharge the stormwater from the Site was not maintained by his office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL of HAD should be consulted.
  - (iv) Further to (iii) above, since there is no record of the said village drain, site photos should be provided to demonstrate its presence and existing condition.
  - (v) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
  - (vi) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
  - (vii) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
  - (viii) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
  - (ix) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
  - (x) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
  - (xi) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
  - (xii) The applicant should consult DLO/YL of LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of

the drainage works.

### **Fire Safety**

#### 9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant should 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, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) However, the applicant should be reminded that if the proposed structure(s) is required to comply with Building Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

- (a) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the Building Authority (BA), they are Unauthorized Building Works (UBW) under the BO and should not be designated for any approved use under the captioned application.
- (b) 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.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition 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 Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (d) 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 (B(P)R) respectively.

- (e) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Long Term Development**

9.1.8 Comments of Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the proposed temporary use, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT 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 falls within sites under HSK/HT NDA Advance Works Phase 3 in the latest implementation programme for the project. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site in question will not be arranged before 2024.

### **District Officer's Comments**

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

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

9.2 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no comment on the application.

## **10. Public Comment Received During Statutory Publication Period**

On 24.4.2020, 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 raising concerns to the application on the need for parking facilities in New Territories as well as the implementation of the Hung Shui Kiu New Development Area (**Appendix IV**).

## **11. Planning Considerations and Assessment**

11.1 The application is for temporary public vehicle park (private car) for a period of 3 years at a site zoned "R(A)4" on the OZP. The planning intention of the "R(A)4" zone is primarily for high-density residential developments. Whilst the proposed development is not in line with the planning intention of "R(A)4" zone, PM/NTW, CEDD has no objection to the proposed development for temporary



use. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. The applied use may also help meeting some of the parking demand in the area. 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 the implementation of government projects.

- 11.2 The Site is mainly surrounded by open storage yards, residential dwellings, canteen, MTR Hung Shui Kiu Bus Depot and residential estate of Hung Fuk Estate (**Plan A-2**). The applied use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including C for T and CE/MN, DSD have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic and drainage impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and any unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impact.
- 11.4 There are 5 similar applications (No. A/HSK/2, 39, 54, 208 and 209) for similar public vehicle park use within the same “R(A)4” zone approved by the Committee between 2017 to 2020 (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There is one public comment received during the statutory publication period as summarized in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

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

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the temporary public vehicle park (private cars) for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of 3 years until **12.6.2023**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, at any time during the planning approval period;

- (b) a notice shall be posted at a prominent location of the Site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board **by 12.12.2020**;
- (f) in relation to (e) above, the implementation of the revised drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board **by 12.3.2021**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board **by 12.12.2020**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Board **by 12.3.2021**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the 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 (e), (f), (h) or (i) 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.

#### Advisory clauses

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

12.3 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 "R(A)4" zone which is primarily for high-density residential developments. There is no strong planning justification 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**

<b>Appendix I</b>	Application Form received on 17.4.2020 with layout plan showing the vehicular access, lot index plan, drainage proposal and tree preservation proposal
<b>Appendix Ia</b>	Supplementary information from the applicant dated 21.4.2020 clarifying the background information
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Similar applications within the same "R(A)4" zone on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
<b>Appendix IV</b>	Public Comment
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan showing Vehicular Access
<b>Drawing A-2</b>	Landscape and Tree Preservation Proposal
<b>Drawing A-3</b>	Drainage Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2020**