

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

**APPLICATION NO. A/HSK/240**

- Applicant** : Mr. TANG Loi Yiu represented by Metro Planning & Development Company Limited
- Site** : Lot 812 RP in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : 1,420 m<sup>2</sup> (about) (including about 390 m<sup>2</sup> of GL (about 27.5%))
- 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) 3" ("R(A)3") (99%); and  
*[restricted to a maximum plot ratio of 5.5 and maximum building height of 140mPD]*  
"Open Space" (1%)
- Application** : Temporary Public Vehicle Park for 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 for private cars for a period of 3 years (**Plan A-1a**). The Site falls within the "R(A)3" zone (99%) with very minor encroachment onto the "O" zone (1%) on the approved HSK and HT OZP. According to the Notes of the OZP, 'public vehicle park (excluding container vehicle)' is a Column 2 use within both "R(A)3" and "O" zones and requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plan A-4**).
- 1.2. The Site is involved in 3 previous applications (No. A/YL-HT/73, 155 and 271 for temporary public car/vehicle park uses). The last application No. A/YL-HT/271 for temporary public vehicle park for private cars, light and heavy goods vehicles was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 11.10.2002. The approval was subsequently revoked on 11.1.2003 due to non-compliance with approval conditions on the submission of landscaping proposal and drainage proposal. The current application is submitted by a different applicant for a public vehicle park for private vehicles only at a smaller site with a different layout.

1.3. The Site is accessible from Ping Ha Road via a local road. As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the ingress/egress is located at the south-eastern boundary of the Site. There are 5 temporary structures with a total floor area of about 160m<sup>2</sup> including a 6.5m high two-storey structure (with floor area of 80m<sup>2</sup>) for site office and toilet, a 3m high single storey structure (with floor area of 20m<sup>2</sup>) for guard room, two 3m high single storey structures (each with floor area of 20m<sup>2</sup>) for store room, and a 3m single storey structure (with floor area of 20m<sup>2</sup>) for electricity meter room. 58 parking spaces for private car will be provided. According to the applicant, the operation hour of the Site are from 7:00 am to 11:00 pm daily including public holidays. The proposed layout plan, landscape plan and drainage plan are at **Drawings A-2** to **A-4** respectively.

1.4. A comparison of the major development parameters of the current application and the last approved application is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-HT/271) (a)</b>	<b>Current Application (A/HSK/240) (b)</b>	<b>Difference (b) - (a)</b>
<b>Applied Use</b>	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles (3 Years)	Temporary Public Vehicle Park for Private Cars (3 Years)	Different type of public vehicle park
<b>Site Area</b>	0.15 ha ( about 1,500 m <sup>2</sup> )	1,420m <sup>2</sup>	-80m <sup>2</sup> (-5.3%)
<b>No. of Structures</b>	2	5	+3
<b>Total Floor Area</b>	N/A	160m <sup>2</sup>	N/A
<b>No. of Parking Spaces</b>	<ul style="list-style-type: none"> <li>• 30 for private cars</li> <li>• 5 for light/medium goods vehicles</li> </ul>	<ul style="list-style-type: none"> <li>• 58 for private cars (2.5m x 5m each)</li> </ul>	<ul style="list-style-type: none"> <li>• +28 for Private Cars</li> <li>• -5 for light/medium goods vehicles</li> </ul>
<b>Operation Hours</b>	Not specified	7:00 a.m. to 11:00 p.m., Mondays to Sundays including public holidays	N/A

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

(a) Application Form with annex and plans received on 30.6.2020 **(Appendix I)**

(b) Further Information (FI) received on 13.7.2020 responding to Transport Department's comments **(Appendix Ia)**  
*[accepted and exempted from publication and recounting requirements]*

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

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

(a) There is insufficient supply to meet exigent parking demand in Ha Tsuen.

- (b) 'Public vehicle park (excluding container vehicle)' is a Column 2 use in both "R(A)3" and "O" zones. The applied use is in line with the planning intention of "R(A)3" zone which is primarily for the convenience of the nearby residents.
- (c) The development is compatible with the surrounding environment.
- (d) Similar planning applications in nearby "R(A)3" and "O" zones have obtained the Board's permission.
- (e) The development will have minimal traffic impact, and insignificant noise and environmental impacts.

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

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the 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. 31A are not applicable to the GL portion.

### **4. Background**

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

### **5. Previous Applications**

- 5.1. The Site is involved in 3 previous applications No. A/YL-HT/73, 155 and 271 for temporary public car/vehicle park use for various types of vehicle. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2. All of these applications were approved with conditions by the Committee/Board between 1999 and 2002 on the considerations that the applied uses were not incompatible with the surrounding areas and no major adverse comments from concerned Government departments. Amongst these, two applications No. A/YL-HT/155 and 271 were subsequently revoked due to non-compliance with time-limited approval conditions.
- 5.3. The last application No. A/YL-HT/271 for temporary public vehicle park for private cars, light and heavy goods vehicles for a period of 3 years was approved with conditions by the Committee on 11.10.2002, but the permission was subsequently revoked on 11.1.2003 due to non-compliance with approval conditions on submission of landscaping and drainage proposals. Comparing with the last approved application, the current application is submitted by a different applicant for a public vehicle park for private cars only at a smaller site with a different layout.

## **6. Similar Applications**

There are 2 similar applications (No. A/HSK/48 and 154) for temporary public vehicle park use within the same “R(A)3” and/or “O” zones on the approved HSK and HT OZP. All of these applications were approved with conditions by the Committee between 2018 to 2019 on similar considerations as mentioned in paragraph 5.2 above. Details of the above applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1. The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) accessible from Ping Ha Road via a local road.

7.2. The surrounding areas have the following characteristics:

- (a) to its immediate north is a public works regional laboratory;
- (b) to its south are a vehicle service centre under a valid planning permission (Application No. A/HSK/42), some open storages as well as some areas for parking of vehicles, one of which is under a valid planning permission (Application No. A/HSK/154);
- (c) to its west and northwest are two logistics centres under valid planning permissions (Applications No. A/HSK/94 and 219) and some residential dwellings (the nearest one being about 54m away).

## **8. Planning Intention**

The planning intention of the “R(A)3” zone 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 received 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 an Old Scheduled Agricultural Lot (OSAL) and Government Land (GL). The OSAL is held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) No permission is given for occupation of the GL included in the application site (about 390m<sup>2</sup> subject to verification). The act of occupation of GL without Government’s prior approval is not allowed.

- (c) The applicant should provide justifications for erection of extensive structures with a total GFA of 160m<sup>2</sup>. For information, in normal short term tenancies tendered by Government for fee-paying public carpark use, usually only one structure having a height not exceeding 3m above ground level and a total GFA of not exceeding 25m<sup>2</sup>, which shall be used for office purposes (and/or fee-collection booth), is permitted.
- (d) Should the application be approved, the lot owner(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. Also, 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 regularisation 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 rent 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 comments 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) If the proposed run-in/out is agreed by TD, the applicant should construct a run-in/out at the access point in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
  - (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
  - (d) HyD shall not be responsible for the maintenance of any access connecting the Site and the public road connecting to Ping Ha Road.

### **Environment**

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

- (a) There was no 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 latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

### **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest imposing a planning condition requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (c) The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (d) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the Site before commencement of the drainage works.

### **Landscaping**

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

- (a) He has no objection to the application from landscape planning perspective.
- (b) The Site, located to the north of Ping Ha Road, lies mainly in "R(A)3" zone and partly in "O" zone. The Site is subject to previous application No. A/YL-HT/271 for temporary public vehicle park use but was revoked due to non-compliance with approval conditions including the landscape condition. The current applicant seeks planning permission of the similar use for a period of 3 years.
- (c) With reference to the site visit conducted by this office on 13.7.2020 and aerial photo of 2019, the Site is hard paved with existing trees generally along the boundary outside the site. The applied use appears to be already in operation. The Site is situated in an area of rural landscape character predominated by open storage yards and temporary structures. Significant change to the landscape character arising from the application is not envisaged.

- (d) In consideration that the Site is not situated in any landscape sensitive zone, nor facing any prominent public frontage, it is considered not necessary to impose any landscape condition should the application be approved by the Committee.

### **Building Matters**

#### 9.1.7. 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.
- (b) 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 Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Building Ordinance (BO). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (c) For UBW erected on leased land, enforcement action may be taken by 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) 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) 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 B(P)R at the building plan submission stage.

### **Fire Safety**

#### 9.1.8. 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 structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him 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 BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Long-Term Development**

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

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of Hung Shui Kiu and Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering 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 a site under Stage 4 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024.

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

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

- (a) He has no comment on the application.
- (b) His office has not received any comment from the locals on the application.

9.2. The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 7.7.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments from an individual and a district councillor were received. Commenters raise concern/object to the application that the development will increase traffic flow and risk the life of villagers, and that the last two applications were revoked (**Appendices IV-1 to 3**).

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

11.1. The application is for temporary public vehicle park for private cars for a period of 3 years at a site mainly zoned "R(A)3" (99%) with very minor encroachment within the "O" (1%) on the approved HSK and HT OZP. The planning intention of the "R(A)3" zone is primarily for high-density residential developments. Whilst the applied use is not in line with the planning intention, the public vehicle park can serve the needs of the local residents in meeting the necessary demand. Besides, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD has no objection to the applied use for a period of 3 years at 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 the implementation of government projects.

- 11.2. The public vehicle park for private cars under application is not incompatible with the surrounding land uses which are predominantly used for logistics centre and warehouse, open storage, vehicle service centre, and parking of vehicles (**Plan A-2**).
- 11.3. There is no adverse comment from concerned Government departments, including AC for T/NT of TD, CE/MN, DSD and DEP. It is anticipated that the applied use would not have adverse traffic, drainage and environmental impacts to the area. Furthermore, relevant approval conditions have been recommended in paragraph 12.2 to address the possible environmental nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the 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 nearby sensitive receivers.
- 11.4. There are three previously approved planning applications for temporary public vehicle park for various types of vehicle, including heavy goods vehicles at the Site and two similar approved applications in the same "R(A)3" and/or "O" zones on the approved HSK and HT OZP (**Plan A-1a**). Although the planning permission under the last previous application No. A/YL-HT/271 was subsequently revoked some years ago, it is noted that the current application is submitted by a different applicant for a public vehicle park for private cars only, and heavy goods vehicles will not be allowed. Sympathetic consideration may be given to the current application.
- 11.5. There are three public comments received on the application during statutory publication period as summarised in paragraph 10. The planning considerations and assessments in the above paragraphs are relevant.

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

- 12.1. Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the proposed temporary public vehicle park for private cars for a period of 3 years.
- 12.2. 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 **21.8.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no vehicle without valid licenses issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) no light, medium and heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site at all times to indicate that only private car, as defined in the Road Traffic Ordinance, is allowed to enter/be parked on the Site, as proposed by the applicant, during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the submission of a 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 **21.2.2021**;
- (g) in relation of (f) above, the implementation of the approved drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **21.5.2021**;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times 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 **21.2.2021**;
- (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 **21.5.2021**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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
- (l) if any of the above planning conditions (f), (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.

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 development is not in line with the planning intention of the "R(A)3" zone which is primarily for high-density residential development. 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 with photos and plans received on 30.6.2020
<b>Appendix Ia</b>	FI received on 13.7.2020 responding to the comments from Transport Department
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications within the same "R(A)3" and "O" Zones on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
<b>Appendices IV-1 to 3</b>	Public Comments
<b>Appendices V</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Proposed 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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2020**