

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL FOR TEMPORARY
USE UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/268

- Applicant** : Mr. CHAN Chi Wing represented by Metro Planning & Development Company Limited
- Site** : Lot 2429 RP in D.D. 124 and Adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 1,384 m² (including 30m² of GL)
- 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 140mPD]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Coaches) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary public vehicle park (private cars, light goods vehicles (LGVs) and coaches) for a further period of 3 years (**Plan A-1**). The Site falls within an area zoned “R(A)4” on the approved HSK and HT OZP. 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 used for the applied use with valid planning permission under application No. A/HSK/39.
- 1.2 The Site is related to nine previous applications (No. A/YL-PS/12, 50, 267, 277, 288, 296, 368, 471 and A/HSK/39). Apart from application No. A/YL-PS/12 for proposed comprehensive development with minor relaxation of building height, and application No. A/YL-PS/50 for proposed restaurant and car park, all the applications were for temporary vehicle park use (**Plan A-1**). The last application No. A/HSK/39 for the same applied use as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 26.1.2018 with validity up to

26.1.2021. All the approval conditions have been complied with. Compared with the last application, the current application is submitted by the same applicant for the same use with the same development parameters at the same site.

- 1.3 The Site is accessible from Hung Yuen Road (**Plan A-2**). The applied development is the same as the previous submission. There is one temporary structure as guard room with a total floor area of about 20m² provided at the eastern portion of the Site. 25 parking spaces for private cars, 4 parking spaces for light goods vehicles (LGVs) and two parking spaces for 28-seaters coaches are provided. According to the applicant, the estimated traffic generation and attraction of the Site during peak hours are 20 passenger car unit / hour (pcu/hr) and 16 pcu/hr respectively, and the operation hours of the development are from 7:00 a.m. to 11:00 p.m. daily. The site layout, landscape and tree preservation proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1** to **A-4** respectively.
- 1.4 The development parameters of the last approved application and the current application are the same and are summarized in the following table:

Major Development Parameters	Last Approved Application (A/HSK/39) (a)	Current Application (A/HSK/268) (b)
Site Area	1,384m ²	
No. of Structure	1 (guard room)	
Total Floor Area	20m ²	
No. of Parking Spaces	25 (for private cars) 4 (for LGVs) 2 (for 28-seaters coach)	
Operation Hours	7:00 a.m. to 11:00 p.m. (Mondays to Sundays)	

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

- (a) Application Form received on 22.10.2020 (**Appendix I**)
- (b) Further Information (FI) received on 11.11.2020 (**Appendix Ia**)
providing FSIs plan and fire certificate FS251
[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 at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) There would be no substantial change in site configuration, development parameters and operation as compared with the last planning permission

A/HSK/39, and all the approval conditions have been complied with.

- (b) The applied use is in temporary nature which would not jeopardize the long term planning intention of the Site.
- (c) The applied use is not incompatible with the surrounding environment including residential developments (e.g. Hung Fuk Estate, Park Nara and Coronet Court) and eating place, it can meet the shortage of parking spaces in the area.
- (d) No vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity would be allowed on the Site; and no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined under the Road Traffic Ordinance, are allowed to be parked / stored on or enter / exit the Site. The applied use will have minimal traffic, environmental and drainage impacts to the surrounding areas.

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 Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The requirements under TPB PG-No. 31A are not applicable to the Government land portion.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**

5. Background

The Site is currently covered by a valid planning permission No. A/HSK/39 for the applied use. As such, the Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in nine previous applications (No. A/YL-PS/12, 50, 267, 277, 288, 296, 368, 471 and A/HSK/39). Amongst these applications, eight of them were approved and one was rejected by the Committee. Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 Application No. A/YL-PS/12 for comprehensive development with minor relaxation of building height covering a much larger area under the previous “Comprehensive Development Area” (“CDA”) ¹ zone was approved with conditions on 8.8.1997. However, the approved scheme had not been executed and the planning permission was lapsed on 8.8.2003.
- 6.3 Application No. A/YL-PS/50 for proposed restaurant and car park was rejected by the Committee on 26.3.1999 on the grounds that the development was not in line with the planning intention of the then “CDA” zone; insufficient information on vehicular access and loading/unloading spaces; approval of the application would frustrate the implementation of essential infrastructural projects in the area; and the approval would set an undesirable precedent.
- 6.4 Applications No. A/YL-PS/267, 277 and 288 for temporary vehicle park for private cars, LGVs and/or medium goods vehicles (MGVs) use for 3 years were approved by the Committee on 13.4.2007, 14.12.2007 and 24.10.2008 mainly on the grounds that temporary approval would not jeopardize the long-term planning intention of “CDA” zone; it was not incompatible with the surrounding land uses; and the vehicle park was of small scale. However, all these planning permissions were subsequently revoked on 13.1.2008, 24.7.2008 and 24.4.2009 respectively due to non-compliance with time-specified approval conditions.
- 6.5 Application No. A/YL-PS/296 for temporary vehicle park for private cars, LGVs and MGVs with ancillary office and storeroom was approved with conditions by the Committee on 27.2.2009 for 3 years on similar considerations as stated in paragraph 6.4 above. All the approval conditions had been complied with under this application.
- 6.6 Applications No. A/YL-PS/368 and 471 for renewal of planning approval for “temporary vehicle park (private cars, LGVs and MGVs) with ancillary office and storeroom’ for 3 years were approved with conditions by the Committee on 24.2.2012 and 6.2.2015 respectively mainly on the grounds that temporary approval would not jeopardize long-term planning intention; no adverse departmental comments and local objection; and the proposal was not incompatible with the surrounding land uses. However, application No. A/YL-PS/471 was revoked on 12.5.2017 due to non-compliance with approval conditions regarding limitations on operation hours, posting notice requirement, restrictions on vehicles allowed to be parked/stored on the Site.
- 6.7 The last application (No. A/HSK/39) for the same applied use as the current application was approved with conditions by the Committee on 26.1.2018 for a period of 3 years with validity up to 26.1.2021 mainly on similar considerations as stated in paragraph 6.6 above. All the approval conditions had been complied with under this application.

7. Similar Applications

There are 5 similar applications (No. A/HSK/2, 54, 208, 209 and 220) for temporary vehicle park for private cars and LGVs within the same “R(A)4” zone. Details of these

¹ The Site was zoned “Comprehensive Development Area” (“CDA”) under the previous Ping Shan OZP.

applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently used for applied use under valid planning permission;
- (b) fenced and hard paved; and
- (c) accessible from Hung Yuen Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the north is a temporary public vehicle park under valid planning permission. To the further north and north are restaurant, open storage yard, vacant land, workshop and residential dwellings;
- (b) to the east is unused land and the MTR Hung Shui Kiu Bus Depot; and
- (c) to the immediate west is Hung Yuen Road. Across the road are residential development, Park Nara and Coronet Court.

9. Planning Intention

The planning intention of the “R(A)” 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.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lot (OSAL) and GL. The OSLA is 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) The private land of Lot 2429RP in D.D.124 is covered by Short Term Waiver (STW) No. 3826 to permit structures for the purpose

of “temporary vehicle park for private car, LGV and MGW with ancillary office and storeroom”.

- (c) The GL in the Site is covered by a Short Term Tenancy (STT) No. 2707 for the purposes of “temporary vehicle park for private car, LGV and MGW with ancillary office and storeroom”.
- (d) There is no lease modification / land exchange application or building plan submission in relation to development at the Site approved / under processing.
- (e) Should planning approval be given to the subject planning application, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. 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 premium or fee, as may be imposed by LandsD.

Traffic

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

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

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

- (a) The access arrangement should be commented by TD.
- (b) The applicant should provide the run-in/out at Hung Yuen Road 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 Hung Yuen Road.

Environment

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

- (a) He has no comment on the application.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

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/HSK/39 will be maintained for the current development. He has no objection in principle to the proposed application from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated to require the applicant to maintain the existing drainage facilities and to submit condition record of the existing drainage facilities to the satisfaction of his department.
- (c) The applicant should be reminded of his detailed comments at **Appendix VI**.

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.
- (b) The applicant should be reminded of his detailed comments at **Appendix VI**.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing fire service installations (FSIs) implemented on the site being maintained in efficient working order at all times.

Long Term Development

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

- (a) He has no objection to the 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 HSK/HT NDA. 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 three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within sites under Second Phase development and Remaining Phase development 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 the site formation and engineering infrastructure works for the Second Phase development will commence in 2024. In this regard, relevant sites should be returned to the Government by 31.12.2023.

District Officer's Comments

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

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

10.2 The following departments has no comment/no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Director of Electrical and Mechanical Services.

11. Public Comment Received During Statutory Publication Period

On 30.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. One commenter raised concerns on the application as the proposed development falls within the HSK/HT NDA which will be commenced soon; whilst the other commenter objected to the proposed development as it would generate more traffic flow in the area affecting the villagers' safety and living quality (**Appendices**

V-1 and V-2).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park (private cars, LGVs and coaches) for a period of 3 years at the Site zoned “R(A)4” on the OZP (**Plan A-1**). The planning intention of the “R(A)” zone is primarily for the high-density residential developments. Whilst the development is not entirely in line with the planning intention of the “R(A)” zone, the implementation programme of this part of the NDA is still being formulated. PM(W), CEDD has no objection to the applied temporary use for 3 years on the Site. In this regard, approval of the application on a temporary basis would not jeopardize the long term planning of 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 implementation of government projects.
- 12.2 The development is not incompatible with the surrounding land uses which are predominantly used for residential developments and public transport facilities (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/39) for three more years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval, and the approval of the application on a temporary basis would not jeopardize the implementation of the zoned use. Compared with the last approved application No. A/HSK/39, the current application is submitted by the same applicant and all the approval conditions under the previous application had been complied with. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.
- 12.4 There is no adverse comment from the concerned Government departments, including C for T, CE/MN, DSD, DEP and D of FS. In order to address the possible environmental nuisances or the technical requirements of the other concerned Government departments, relevant 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 any unauthorized development on the Site would be subject to enforcement action by the Planning Authority.
- 12.5 The Committee has approved seven previous applications for temporary vehicle park use (No. A/YL-PS/267, 277, 288, 296, 368, 471 and A/HSK/39) at the Site and 5 similar applications within the same “R(A)4” zone on the OZP (**Plan A-1b**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 There are two public comments received during the statutory public inspection period as summarized in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comments as mentioned in paragraph 11, the Planning Department has no objection to the renewal of planning approval for temporary public vehicle park (private cars, light goods vehicles and coaches) for a further 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 and be renewed from 27.1.2021 to 26.1.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no 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) a notice should 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;
- (d) 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;
- (e) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (i) the existing fire service installations implemented shall be maintained in efficient working order at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities

within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.4.2021**;

- (k) the existing planting on the Site shall be maintained at all times during the planning approval period;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if the above planning conditions (j) 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.

[Approval conditions (a), (b), (c), (d), (e), (f), (g) and (j) are the same as those under the permission for application No. A/HSK/39, while the previous conditions on the submission and implementation of boundary fencing, FSIs and landscape proposals are replaced by conditions (h), (i) and (k) as the proposals had been implemented and accepted by concerned authorities. The reinstatement clause under previous approval condition (p) is deleted to accord with the department's latest requirements.]

Advisory clauses

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

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

the applied use is not in line with the planning intention of the "R(A)" zone which is intended 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;

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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 28.10.2020
Appendix Ia	FI received on 11.11.2020
Appendix II	Relevant Extracts of TPB PG-No. 34C for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development”
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the same “R(A4” zone
Appendices V-1 and V-2	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Landscape and Tree Preservation Plan
Drawing A-3	Drainage Plan
Drawing A-4	Fire Services Installation Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**