

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

**APPLICATION NO. A/HSK/269**

- Applicant** : Mr. NG Kwong Wah represented by Mr. WONG Sun Wo
- Site** : Lot 1768 RP in D.D. 130 and Adjoining Government Land (GL),  
Tsing Yick Road, Yick Yuen Tsuen, Hung Shui Kiu, New  
Territories
- Site Area** : About 1,128 m<sup>2</sup> (including 330m<sup>2</sup> of GL (about 29%))
- 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
- Zonings** : "Other Specified Uses" annotated "Sewage Pumping Station"  
("OU(SPS)") (about 56%);  
*[Restricted to a maximum building height (BH) of 25mPD];*
- "Residential (Group A) 2" ("R(A)2") (about 26%);  
*[Restricted to a maximum plot ratio of 6 and a maximum BH of 130mPD];*
- "Open Space" ("O") (about 5%); and
- Area shown as 'Road' (about 13%)
- Application** : Temporary Public Vehicle Park (Private Cars and Light Goods  
Vehicles Not Exceeding 5.5 Tonnes) with Ancillary Shroff for a  
Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning approval to use the application site (the Site) for temporary public vehicle park (private cars, light goods vehicles (LGVs)) with ancillary shroff for a period of 3 years (**Plan A-1**). The Site falls within areas zoned "OU(SPS)" (about 55%), "R(A)2" (about 26%) and shown as 'Road' (about 13%) within minor encroachment onto the "O" zone (about 5%) on the approved HSK and HT OZP. According to the Notes for the "R(A)" and "O" zones, 'Public Vehicle Park (excluding container vehicle)' is a Column 2 use requiring planning permission from the Town Planning Board (the Board). On the other hand, the covering Notes of the OZP stipulate that temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Board notwithstanding that the

use or development is not provided for under the Notes of the OZP. In any area shown as 'Road' on the OZP, all uses or developments require planning permission from the Board. The Site is currently paved and vacant with some temporary structures (**Plan A-4**).

- 1.2 The Site is the subject of a previous planning application (No. A/HSK/106) for the same applied use approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 16.11.2018 for a period of 3 years (**Plan A-1**). However, the planning permission was subsequently revoked on 1.8.2020 due to non-compliance with time-specific approval conditions.
- 1.3 The Site is accessible from Tsing Yick Road via a local track (**Drawing A-4**). The proposed development will provide a total of 12 parking spaces for private cars and three parking spaces for LGVs. 4 single-storey structures with a total floor area of about 383.25m<sup>2</sup>, including a shroff (2.4m high, 15.25m<sup>2</sup>), two sheds (both 4.5m high, 240m<sup>2</sup> and 126m<sup>2</sup> respectively) and a portable toilet (2.1m high, 2m<sup>2</sup>) will be provided at the Site (**Drawing A-1**). According to the applicant, the proposed development will operate daily and the estimated daily vehicular trips to/from the Site would be about 26 trips and 32 trips during Mondays to Saturdays and Sundays/public holidays respectively. The proposed layout plan, the landscape proposal, drainage and fire service installations (FSIs) proposals are shown at **Drawings A-1 to A-4** respectively.
- 1.4 The development parameters of the last approved application and the current application are summarized in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/106) (a)</b>	<b>Current Application (A/HSK/269) (b)</b>	<b>Changes (b) – (a)</b>
<b>Applied Use</b>	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Not Exceeding 5.5 Tonnes) with Ancillary Shroff		
<b>Site Area</b>	1,128m <sup>2</sup> (including 330m <sup>2</sup> GL)		Same
<b>No. of Structures</b>	4 (one shroff, two sheds and a portable toilet)		Same
<b>Total Floor Area</b>	383.25m <sup>2</sup>		Same
<b>No. of Parking Spaces</b>	12 (for private cars) 3 (for LGVs)		Same
<b>Operation Hours</b>	7:00 a.m. to 11:00 p.m. (Mondays to Sundays)	24 hours daily	Longer time

- 1.5 In support of the application, the applicant has submitted the following document:
- (a) Application Form received on 27.10.2020 (**Appendix I**)
- (b) Further Information (FI) received on 30.11.2020 (**Appendix Ia**)

providing FSIs plan and the estimated trip generations *[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) Due to the land owner's notice to repossess the Site, there was inadequate time to comply with the approval conditions resulting in the revocation of the last planning approval.
- (b) A contract has been renewed with the owner for another 3 years. The applicant will make effort to comply the approval conditions should the application be approved.
- (c) The proposed development is intended to cater for the existing vehicles currently parked on GL. It would not generate additional traffic flow on Tsing Yick Road and Ng Lau Road.

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

For the private land portion of the Site, 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 Tuen Mun 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. Background**

The Site is not the subject of any current planning enforcement action.

## **5. Previous Application**

- 5.1 The Site is the subject of a previous application No. A/HSK/106 for the same applied use approved with conditions for a period of 3 years by the Committee on 16.11.2018 on the considerations that the proposed development was not incompatible with the surrounding land uses; temporary approval would not frustrate the long-term development of the area; and no adverse comments from relevant government departments. However, the planning permission was revoked on 1.8.2020 due to non-compliance with approval conditions on the submission and implementation of drainage facilities and FSIs. Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

5.2 Compared with the last application, the current application is submitted by the same applicant for the same applied use at the same site with the same development parameters.

## **6. Similar Application**

There is no similar application within the subject “OU(SPS)” and “R(A)2” zones on the OZP.

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

7.1 The Site is:

- (a) currently vacant and occupied by some temporary structures;
- (b) fenced and hard-paved; and
- (c) accessible from Tsing Yick Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north is an open storage yard, playground, a storage facility and workshop. To the further northeast are some residential dwellings of Yick Yuen Tsuen;
- (b) to the east, across Tsing Yick Road, is a nullah. Further east are some fallow agricultural land intermixed with some residential dwellings (the closest one being about 18m away);
- (c) to the south are open storage yards; and
- (d) to the immediate west is MTRCL West Rail Line. Further west some residential dwellings, unused land and an orchard.

## **8. Planning Intentions**

The planning intention of the “OU(SPS)” is primarily to provide / reserve land for sewage pumping station, whilst the planning intention for 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.

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

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

### **Land Administration**

#### 9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Site comprises 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) Site inspection revealed that a number of structures being used for office, storage and workshop purposes were erected on the Site. Portions of the existing structures were also found extending to the adjoining GL and they are included in the current application. No permission has been given for the erection of the structures nor has any permission been given for the occupation of the GL concerned.
- (c) The Site is accessible via a strip of GL leading from Tsing Yick Road. No approval has been given for the use of the said land. His office does not carry out maintenance works for the said road nor guarantee that right-of-way will be given to the Site.
- (d) Should planning approval be given to the subject planning application, the lot owner may consider submitting formal applications to his office for Short Term Waiver (STW) /Short Term Tenancy (STT) to permit erection of the proposed structures on the lots and the adjoining GL. However, there is no guarantee that such application(s) will be approved and he will reserve his right to take any action as may be appropriated. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. If such application(s) is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, rent, deposit and administration fee etc.
- (e) He reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alternations of the structures affected irrespective of whether planning permission has been given or not. Enforcement action will also be taken should any structures are found erected without any prior approval given by his office or any unauthorized occupation of GL

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering point of view.

(b) Tsing Yick Road is not managed by Transport Department (TD).

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

(a) The access arrangement of the Site via Tsing Yick Road, which is not maintained by HyD, from Ng Lau Road should be commented by TD.

(b) HyD shall not be responsible for the maintenance any access connecting the Site and Ng Lau Road. The applicant should be responsible for his own access arrangement.

(c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

### **Environment**

9.1.4 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**

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.

(b) The Site is located at an area where public drainage facility is available for connection. 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 drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

(c) The applicant should be reminded of his detailed comments on the submitted drainage proposal at **Appendix IV**.

### **Building Matters**

9.1.6 Comments of the Chief Building Surveyor/New Territories West,

Buildings Department (CBS/NTW, BD):

- (a) There is no building plan submission in relation to development at the Site approved / under processing.
- (b) The applicant should be reminded of his detailed comments at **Appendix IV**.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) The applicant should be reminded of his detailed comments at **Appendix IV**.

### **Long Term Development**

9.1.8 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 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**

9.1.9 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 locals on the

application.

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

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

On 2.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments from individuals were received. One of the commenters raised concerns on the application that the proposed development falls within the HSK/HT NDA which will commence soon, and the approval of the application would worsen the environment nearby (**Appendix III-1**). The other three commenters objected to the application on reasons that Tsing Yick Road is a narrow one-way road and the proposed development would generate more traffic flow affecting the villagers' safety and living quality (**Appendices III-2 and V-4**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary public vehicle park (private cars, LGVs (not exceeding 5.5 tonnes) with ancillary shroff for a period of 3 years at the Site zoned "OU(SPS)" (about 56%) and "R(A)2" (about 26%) and shown 'Road' (13%) with minor encroachment onto the "O" zone (5%) on the OZP (**Plan A-1**). The planning intention of the "OU(SPS)" zone is primarily to provide / reserve land for sewage pumping station, whilst the planning intention for the "R(A)" zone is primarily for the high-density residential developments. Whilst the proposed use is not in line with the planning intentions of the "OU(SPS)" and "R(A)" zones, 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 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.
- 11.2 The development is not incompatible with the surrounding land uses which are predominantly used for parking of vehicles, open storage yard and residential dwellings (**Plan A-2**).
- 11.3 The Site is the subject of a previous approved application (No. A/HSK/106) submitted by the same applicant for the same applied use, for which the permission was revoked due to non-compliance with approval conditions on the submission and implementation of drainage and FSIs proposal. For the present application, the applicant has submitted drainage and FSIs proposals for the proposed development. In this regard, CE/MN, DSD and D of FS has no in-principle objection to the application. The applicant had also vacated the Site since the revocation of the last planning permission. As such, sympathetic consideration may be given to the application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The



applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.

- 11.4 There is no adverse comment from the concerned Government departments including C for T, CE/MN, DSD and DEP. 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 12.2 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.
- 11.5 There is one previous application for the same applied use at the Site which was approved. Approval of the application is generally in line with the Committee's previous decision. .
- 11.6 There are four public comments received during the statutory public inspection period raising objection to/concern on the application for reasons as summarized in paragraph 11. 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, and having taken into account the public comments as mentioned in paragraph 10, the Planning Department considers that the proposed temporary public vehicle park (private cars and light goods vehicles not exceeding 5.5 tonnes) with ancillary shroff could be tolerated 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 **18.12.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### *Approval conditions*

- (a) 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;
- (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) the submission of a drainage proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board **by 18.3.2021**;
- (e) in relation to (d) above, the implementation of the 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 18.6.2021**;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board **by 18.3.2021**;
- (h) the implementation of the 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 **18.6.2021**;
- (i) if any of the above planning conditions (a), (b), (c) or (f) 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
- (j) if any of the above planning conditions (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

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

the proposed use is not in line with the planning intentions of "OU(SPS)" and "R(A)" zones which are primarily for the provision of sewage pumping station and for high-density residential developments respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 27.10.2020
<b>Appendix Ia</b>	FI received on 30.10.2020
<b>Appendix II</b>	Previous Application covering the Site
<b>Appendices III-1 to III-4</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Landscape Proposal
<b>Drawing A-3</b>	Drainage Proposal
<b>Drawing A-4</b>	Fire Service Installations Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2020**