

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

**APPLICATION NO. A/HSK/286**

- Applicant** : Mr. LO Man Hon represented by Metro Planning & Development Company Limited
- Site** : Lot 908 RP in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 715 m<sup>2</sup> (about)
- 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** : “Open Space” (“O”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) 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 car and light goods vehicle) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “O” on the approved HSK and HT OZP. According to the Notes of the OZP for “O” zone, ‘Public Vehicle Park (excluding container vehicle)’ 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/56.
- 1.2 The Site is related to 5 previous applications for temporary public vehicle park and open storage of construction materials (**Plan A-1**). The last application No. A/HSK/56 for public vehicle park use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.4.2018 for a period of 3 years with validity till 6.4.2021. All time-limited 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 Ping Ha Road (**Drawing A-1 and Plan A-2**). As shown on the layout plan at **Drawing A-2**, the ingress/egress point is at the western boundary. 9 and 2 parking spaces for private car and light goods vehicle respectively are proposed. No vehicle without valid license issued under Road Traffic Ordinance is permitted to park at the Site. No medium/heavy goods vehicle and container

tractor/trailer will be allowed to access/park at the Site. According to the applicant, the operation hours are from 7:00 a.m. to 11:00 p.m. daily, including Sundays and public holidays. The proposed layout plan, tree preservation plan and as-built drainage plan submitted by the applicant are at **Drawings A-2 to A-4** respectively.

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

- (a) Application Form received on 30.12.2020 **(Appendix I)**
- (b) Supplementary Information (SI) received on 5.1.2021, **(Appendix Ia)**  
confirming no change in operation hours and layout,  
enclosing a FSIs plan and related certificate

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

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

- (a) The Site is the subject of three previous planning permissions for public vehicle park since 2012, and the applied use is the same as the last approved application. The applicant had complied with all the approval conditions imposed in the last planning permission.
- (b) There is insufficient supply to meet exigent parking demand in Ha Tsuen.
- (c) The development is compatible with the surrounding environment.
- (d) The development will have minimal traffic impact, insignificant noise and environmental impacts, due to its limited in size and no operation during sensitive hours.
- (e) Similar planning applications in nearby “O” zone have obtained the Board’s permission.

## **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 by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

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

The Town Planning Board Guidelines on 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 at **Appendix II**.

## 5. **Background**

As the Site is still covered by a valid planning approval (No. A/HSK/56), it is not subject to any planning enforcement action.

## 6. **Previous Applications**

- 6.1 The Site is related to 5 previous applications (No. A/YL-HT/260, 674, 784 and 948 and A/HSK/56) for temporary public vehicle park and temporary open storage uses. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Four previous applications for temporary public vehicle park were approved with conditions by the Committee for a period of 3 years each between 2002 and 2018 on the considerations that the applied uses were not incompatible with the surrounding areas, temporary uses would not jeopardize the long-term planning intention of the site and no major adverse comments from concerned Government departments. However, the planning permissions under application No. A/YL-HT/260 was revoked due to non-compliance with the time-limited approval conditions.
- 6.3 Application No. A/YL-HT/674 for temporary open storage of construction materials for a period of 2 years was rejected by the Board upon review on 5.11.2010 mainly on reasons of not being in line with the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13) and setting of undesirable precedent. The applicant lodged an appeal against the Board's decision. The appeal was dismissed by the Appeal Board on 10.2.2012.
- 6.4 The current application is submitted by the same applicant for the same applied use with the same layout and development parameters as the last approved application No. A/HSK/56, under which all time-limited approval conditions have been complied with. The current application is a renewal application.

## 7. **Similar Applications**

There are two similar applications (No. A/HSK/53 and 154) within the same "O" zone on the OZP for temporary public vehicle park between 2018 and 2019. Both applications were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.2 above. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
  - (a) currently used for the applied use under valid planning permission; and
  - (b) directly abutting and accessible from the Ping Ha Road to its west.
- 8.2 The surrounding areas have the following characteristics:
  - (a) to its immediate north and northeast are a yard for parking of vehicles under valid planning permission and some unused land;

- (b) to its east and south are some unused land and a temple; to its further south and southeast across a nullah are unused land and a logistics centre; and
- (c) to its west across Ping Ha Road are some residential dwellings of Lo Uk Tsuen.

## **9. Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

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

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) It is noted that no structure was proposed in the application.

### **Traffic**

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

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

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

- (a) The access arrangement should be commented by Transport Department (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 Ping Ha Road.

### **Environment**

10.1.4 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 relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.

### **Drainage**

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

- (a) The current application is a renewal of planning approval of the previous application No. A/HSK/56. According to the applicant's submission, the existing drainage facilities would be maintained. He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, a condition should be stipulated in the approval requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **Fire Safety**

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

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

### **Long-Term Development**

#### 10.1.7 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, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of HSK/HT NDA. 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 a site under Remaining Phase development of 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 Remaining Phase development will commence in 2030.

## **Others**

10.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site falls within an area zoned “O” on the approved HSK & HT OZP No. S/HSK/2. It is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) Since the application involves private lot only, he has no in-principle objection to the application.

## **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 Government departments have no comment on the application:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 12.1.2021, 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. The commenters raised concerns/objected to the application on reasons that the development will increase traffic flow and pose safety hazards to the villagers, and that the applied use is not in line with the current planning intention, and would affect the implementation of the planned development (**Appendices V-1 to 2**).

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

12.1 The application is for renewal of planning approval for temporary public vehicle park (private car and light goods vehicle) for a period of 3 years at a site zoned “O” on the OZP. The planning intention of “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the applied use is not in line with the planning intention of the “O” zone, PM/W of CEDD and DLCS have no objection to the temporary use 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.

12.2 The Site is located in an area predominantly occupied by residential dwellings, unused land and parking of vehicles. The applied use is generally not incompatible with the surrounding land uses (**Plan A-2**).

- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/56) for three more years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous 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/56, the current application is submitted by the same applicant for the same use at the same site, and the development parameters and site layout remain unchanged, and all the approval conditions under the last approved application have been complied with. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.
- 12.4 Relevant Government departments, including C for T, CE/MN, DSD, DEP and D of FS, have no objection to or adverse comment on the application. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions have been 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. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the surrounding areas.
- 12.5 The Committee has approved four previous applications for temporary public vehicle park at the Site (**Plan A-1**) and two similar applications within the same "O" zone (**Plan A-1**). Approval of the current application is in line with the Committee's previous decisions.
- 12.6 There are two public comments received on the application during the statutory publication period as summarised in paragraph 11 above. 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 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the renewal of planning approval for temporary public vehicle park (private car and light goods vehicle) 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 **7.4.2021 to 6.4.2024**. 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 vehicles without valid licenses issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes), including

container trailers/tractors, 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 to indicate that no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site at any time 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 existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (h) the existing boundary fencing on Site shall be maintained at all times during the planning approval period;
- (i) the existing fire service installations 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 on Site within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.7.2021**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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 the above planning condition (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.

*[Conditions (a), (b), (c), (d), (e), (f), (g), (h) and (j) are all the same as the previous Application No. A/HSK/56 while the previous conditions on the submission and implementation of FSIs are replaced by condition (i) according to the latest comment from D of FS]*

#### 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 "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification to deviate 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**

<b>Appendix I</b>	Application Form received on 30.12.2020 with drawings
<b>Appendix Ia</b>	SI received on 5.1.2021 confirming no change in layout and providing the FSIs plan and related certificate
<b>Appendix II</b>	Relevant extracts of 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)
<b>Appendix III</b>	Previous Applications Covering the Site
<b>Appendix IV</b>	Similar applications within the same "O" zone on the approved Hung Shui Kiu and Ha Tsuen OZP
<b>Appendices V-1 to 2</b>	Public Comments
<b>Appendix VI</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 Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<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  
FEBRUARY 2021**