

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

**APPLICATION NO. A/HSK/36**

- Applicant** : Mr. TANG Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 136 RP (Part) and 137 RP (Part) in D.D. 127 & Adjoining Government Land, Ping Shan, Yuen Long, New Territories
- Site Area** : 1,220 m<sup>2</sup> (including Government land of about 90m<sup>2</sup>)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Village Type Development” (“V”)  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (private cars) for a period of 3 years (**Plan A-1**). The Site is currently vacant.
- 1.2 According to the Notes for the “V” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ within “V” zone requires planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for a period of 3 years. The Site is not related to any previous application.
- 1.3 The major development parameters of the proposed development are as follows:

Applied Use	Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years
Total Floor Area	Not exceeding 40m <sup>2</sup>
No. of Structures	2 (for site office, toilet and guard room uses)
No. of Parking Spaces	10 in total (for private cars (5m x 2.5m each))

Operation Hours	24 hours daily (including Public Holidays)
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- 1.4 The proposed layout plan, proposed landscape plan and proposed drainage plan are at **Drawings A-1 to A-3** respectively.
- 1.5 According to the applicant, the Site is directly accessible from Kiu Hung Road. No vehicles exceeding 5.5 tonnes including light goods vehicles, medium goods vehicles, heavy goods vehicles, container tractors/trailers will be allowed to enter/be parked on the Site. No vehicle repairing, dismantling and workshop uses will be carried out at the Site. The operation hours of the temporary public vehicle park are 24 hours daily including public holidays. The applicant will remove the existing railings at the proposed ingress/egress at his own cost and reinstate the works when the application expires.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 22.11.2017 **(Appendix I)**
  - (b) Supplementary Planning Statement with proposed layout **(Appendix Ia)**  
plan, proposed landscape plan and proposed drainage plan

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

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development is a community use to serve the villager's demand for parking. The proposed development, with such nature and size, would not affect the character of the village. The proposed development conforms to the planning intention of the "V" zone.
- (b) There is no privately run public vehicle park at Hung Uk Tsuen. The public vehicle park at the junction of Kiu Fat Street and Ping Ha Road is mostly occupied by residents of nearby public housing estates and is not close to Hung Uk Tsuen. There is insufficient supply to meet existing parking demand in Hung Uk Tsuen.
- (c) Vehicles are normally parked at the vacant land inside the village. The proposed development will generate limited impact to its surroundings. The proposed development is compatible with the surrounding environments.
- (d) Part of the Site is owned by Tso Tong, where fragmented landownership discourages transfer of land ownership and hence development of small houses. Alternative temporary use which generates no significant nuisance should be encouraged in the interim to make economic use of scarce land resources.
- (e) The traffic generated by the proposed development is not significant due to limited size of the Site. The Site is directly linked to Kiu Hung Road with significant reserve capacity. The proposed development would not aggravate the traffic condition in the vicinity.

- (f) No light goods vehicles, medium goods vehicles and container tractors/trailers are allowed to enter/be parked on the Site. With the Site being hard paved, and no workshop uses carried out, the proposed development would not generate significant environmental nor noise disturbance to both the environment and residents in the area.
- (g) The proposed development would not generate adverse drainage impact. Drainage facilities will be provided and maintained at the Site.

**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 notice of the application outside the Site and sending a notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site is not subject to any active enforcement case.

**5. Previous Application**

There is no previous application covering the Site.

**6. Similar Application**

There is no similar application for temporary public vehicle park within the same “V” zone on the OZP.

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

7.1 The Site is:

- (a) hard-paved and largely vacant;
- (b) accessible directly from Kiu Hung Road; and
- (c) with railings at the proposed run-in/out (**Plan A-4**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is an orchard and a local road. To the north and northeast across the local road are a carpark, the village settlement of Kiu Tau Wai, a storm water drain and a storm water pumping station;
- (b) to the east is Kiu Hung Road and a nullah. To the further east and southeast across the nullah are Light Rail tracks, a site used for car servicing and storage of vehicles, and a low rise development of La Mansion;

- (c) to the south and southwest are cultivated agricultural land, fallow agricultural land and the village settlement of Hung Uk Tsuen; and
- (d) to the immediate west is an orchard and a playground.

## 8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

## 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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site consists of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of Government Land (GL) of about 90m<sup>2</sup> in area included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (c) The Site falls within the designated Fung Shui area of Kiu ~~Fuk~~ **Tai** Tau Wai and Hung ~~Fuk~~ **Uk** Tsuen.
- (d) The Site is accessible to Kiu Hung Road through GL. LandsD provides no maintenance works to the GL involved and does not guarantee *any* right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) According to his record, there is one approved Small House (SH)/New Territories Exempted House (NTEH) in the vicinity of the Site and no other SH/NTEH application received at and in the vicinity of the Site.

- (g) Should planning approval be given to the subject planning application, the lots owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by the LandsD acting in the capacity of the landlord 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 the LandsD.

### **Building Matters**

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

- (a) Noting that there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on lease land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW 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 application site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) 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 respectively.

### **Traffic**

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

- (a) He has no adverse comment on the planning application.

- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- (c) He has no objection to the modification of the existing railing and construction of the vehicular access upon submission of run-in/out proposal by the applicant and the applicant shall be responsible for the modification and construction at his own cost to the satisfaction of both TD and HyD, and reinstate the run-in/out and the affected street furniture when the application expires.

9.1.4 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 provide the run-in/out at Kiu Hung 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) If provision of run-in/out involved removal of railings, agreement from TD should be sought before commencement of the works. If the removal of railings is agreed by TD, the applicant should remove the railing and reinstate the road surface in accordance with HyD standard. Handing over inspection should be arranged before HyD taking up the maintenance of the constructed works.
- (d) He has no objection to the modification of the existing railing and construction of the vehicular access upon submission of run-in/out proposal by the applicant and the applicant shall be responsible for the modification and construction at his own cost to the satisfaction of both TD and HyD, and reinstate the run-in/out and the affected street furniture when the application expires.
- (e) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (f) HyD shall not be responsible for the maintenance of any access connecting the Site and Kiu Hung Road. The sloped area at the back of the footpath of Kiu Hung Road and the drain at the toe are not maintained by HyD.

**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 proposed application from a drainage point of view. Should the Town Planning 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 implement and maintain the proposed drainage facilities to the satisfaction of his division.

- (b) 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.
- (c) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

### **Environment**

#### 9.1.6 Comment 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 will be 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”.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Others**

#### 9.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **District Officer’s Comments**

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

- (a) His office received two letters from the locals on the subject application upon the end of the consultation periods. One letter was jointly submitted by the indigenous villagers of Kiu Tau Wai objecting to the application; while another letter was received from the village representative of Hung Uk Tsuen supporting the application. (The two letters have been submitted as public comments. (**Appendix II-1** and **Appendix II-7**))

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

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (b) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Commissioner of Police (C of P);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Director of Food and Environmental Hygiene (DFEH);
- (f) Director of Leisure and Cultural Services (DLCS);
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (h) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

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

10.1 On 5.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 22.12.2017, eight public comments were received.

10.2 Five individuals, indigenous villagers of Kiu Tau Wai and a district councillor object to the application; while the village representative of Hung Uk Tsuen



supports the application. The grounds of objections are that the proposed development would threaten the safety of pedestrians, nearby residents and animals; create air and noise pollution to nearby residents; result in pedestrian-vehicular conflicts; disrupt the tranquillity of the rural environment and the daily activities of residents; threaten the safety of residents due to the existence of UBW at the Site; developments within the Fung Shui area should be forbidden; additional vehicle park is deemed unnecessary; and the proposed ingress/egress would block the drain and sand pit and lead to flooding.

- 10.3 There was one public comment received which supports the application. The village representative of Hung Uk Tsuen supports the application by emphasizing that there is existing parking demand in Hung Uk Tsuen.

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

- 11.1 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. While the proposed development is not entirely in line with the planning intention of the “V” zone, it could provide vehicle parking spaces to meet any such parking demand in the area. There is no approved Small House application at the Site. Approval of the application on a temporary basis will not frustrate the planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by orchards, cultivated and fallow agricultural land and residential dwellings (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including AC for T/NT of TD, CHE/NTW, HyD, DEP and CE/MN of DSD have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 11.4 8 public comments were received during the statutory publication period. 7 of them object to the application as summarised in paragraph 10.2 above. One public comment supports the application. On the concerns on pedestrian safety, concerned Government departments including C of P and AC for T/NT, TD have no adverse comment on the application. An approval condition requiring the posting of a notice to remind drivers on pedestrian safety is also recommended in paragraph 12.2(c). For other comments, the planning considerations and assessments in paragraph 11.3 above are also relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary public vehicle park (private cars only) could be tolerated 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 12.1.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the Site at all times during the planning approval period;
- (b) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the Site during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to remind drivers on pedestrian safety on the access road to the Site at all times 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 repairing, dismantling and workshop uses, as proposed by the applicant, is allowed on the Site 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 implementation of the accepted 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 12.7.2018;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.7.2018;
- (j) in relation to (i) above, the provision of the run-in/out within **9** months from the date of planning approval to the satisfaction of the Director of

Highways or of the TPB by **12.10.2018**;

- (k) 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 **12.7.2018**;
- (l) in relation to (k) 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 **12.10.2018**;
- (m) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **12.7.2018**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (o) if any of the above planning conditions (g), (i), (j), (k), (l) or (m) 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;
- (p) upon the expiry of the planning permission, the reinstatement of the run-in/out and the affected street furniture to the satisfaction of the Director of Highways or of the Town Planning Board; and
- (q) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory clauses

The recommended advisory clauses are at **Appendix III**.

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

the planning intention of "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed development is not in line with the planning intention of the "V" zone. No strong planning justification has been given 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 reasons for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form received on 22.11.2017
<b>Appendix Ia</b>	Supplementary planning statement with proposed layout plan, proposed landscape plan and proposed drainage plan
<b>Appendix II</b>	Public Comment Received During Statutory Publication Period
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Landscape Plan
<b>Drawing A-3</b>	Proposed 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  
JANUARY 2018**