

RNTPC Paper No. A/HSK/56  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.4.2018

---

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

**APPLICATION NO. A/HSK/56**

- 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** : Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a temporary public vehicle park (private car and light goods vehicle) for a period of 3 years (**Plan A-1**). The Site is being used for the applied use with valid planning permission.
- 1.2 The Site is related to 4 previous applications No. A/YL-HT/260, 674, 784 and 948. The last previous application No. A/YL-HT/948 for temporary public vehicle park (private car and light goods vehicle) for a period of 3 years was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) with conditions on 17.4.2015. All the time-specific approval conditions have been complied with. The permission will expire on 18.4.2018.
- 1.3 The Site is directly abutting and accessible from Ping Ha Road (**Plan A-2** and **Drawing A-1**). As shown on the layout plan at **Drawing A-2**, the ingress/egress point is at the western boundary. 9 private car and 2 light goods vehicle parking spaces are proposed. According to the applicant, operation hours are from 7:00 a.m. to 11:00 p.m. daily, including public holidays. The proposed layout plan, proposed tree preservation plan, and as-built drainage plan submitted by the applicant are at **Drawing A-2, A-3 and A-4** respectively.

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

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-HT/948) (a)</b>	<b>Current Application (A/HSK/56) (b)</b>	<b>Difference (b) – (a)</b>
Site Area	about 715 m <sup>2</sup>	about 715 m <sup>2</sup>	No change
No. of Structures	1	0	-1
Total Floor Area	Not exceeding 20 m <sup>2</sup>	N/A	N/A
Uses of Structures	guard room and site office	N/A	N/A
Building Height	3.5m	N/A	N/A
No. of Parking Spaces	11 (for private car/light goods vehicle)	9 for private car 2 for light goods vehicle	No change

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

- (a) Application Form received on 7.2.2018 with site plan, (**Appendix I**) proposed layout plan, proposed tree preservation plan and as-built drainage plan

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

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the Application Form at **Appendix I**. They can be summarized as follows:

- (a) Due to the coming expiry of the planning permission and a slight change in the layout, the applicant seeks a new planning permission from the Board for the applied use for a period of 3 years.
- (b) The site is privately owned. The planning intention of the “O” zone would not be realized in the near future as the landowner has no intention to do so. There is also no programme to resume the site for open space use.
- (c) The proposed development is small in scale and compatible with the surrounding environment. It is intended to serve the parking demand of nearby villages such as Lo Uk Tsuen and Tung Tau Tsuen.
- (d) The site is the subject of 4 previous applications since 2002. The last permission will be expired on 17.4.2018 and all the approval conditions have been complied with.
- (e) A similar approved public vehicle park is found to the immediate north of the Site. The actual operation shows that the impact generated by the public vehicle park is insignificant. As the site enjoys the same planning circumstances as the

neighboring public vehicle park, preferential treatment should be given to the present application.

- (f) The Site would be hard paved to avoid fugitive dust, and peripheral fencing painted in dark green has been provided. The proposed development would not generate any significant environmental impact.
- (g) No vehicle exceeding 5.5 tonnes, including medium and heavy goods vehicles, coaches, and container trailers/tractors, is allowed to enter/park 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. 31) by posting site notice and sending notice to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

As the Site is still covered by a valid planning approval (No. A/YL-HT/948), it is not subject to any active enforcement case.

### **5. Previous Applications**

- 5.1 The Site is the subject of 4 previous applications Nos. A/YL-HT/260, 674, 784 and 948 for similar temporary public vehicle park and open storage uses. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-HT/260 for temporary private car and lorry park covering a much larger site submitted by a different applicant was approved with conditions by the Committee for a period of 3 years on 9.8.2002. It was subsequently revoked due to non-compliance with approval conditions on 9.5.2003.
- 5.3 Application No. A/YL-HT/674 for temporary open storage of construction materials for a period of 2 years submitted by a different applicant was rejected by the Board upon review on 5.11.2010 mainly for the reasons of not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) and undesirable precedent. The applicant lodged an appeal against the Board’s decision. The appeal was dismissed by the Appeal Board on 10.2.2012.
- 5.4 Application Nos. A/YL-HT/784 and 948 for the temporary public vehicle park for private car and light goods vehicles were approved with conditions by the Committee for a period of 3 years on 4.5.2012 and 17.4.2015 respectively. All the

time-specific approval conditions of the last application (No. A/YL-HT/948) have been complied with. The planning permission will expire on 18.4.2018.

- 5.5 Comparing with the last approved application (No. A/YL-HT/948), the current application is submitted by the same applicant for the same use at the same Site with the same amount of parking spaces. However, the only structure is proposed to be removed in the current application.

## **6. Similar Applications**

There are 4 similar applications Nos. A/YL-HT/582, 739, 941 and A/HSK/53 for temporary public vehicle park (private car and light goods vehicle) use within the same “O” zone in the OZP. All of the similar applications were approved by the Committee taking into consideration that the applied use was not incompatible with the surrounding uses. Details of the application are summarized at **Appendix III** and the location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) being used for the applied use with valid planning permission of Application No. A/YL-HT/948; and
- (b) directly abutting and accessible from the Ping Ha Road to its west.

7.2 The surrounding areas have the following characteristics:

- (a) to its east and south are vegetated unused land and a temple; to its further south and southeast across a nullah and within the adjacent (“R(A)4”) zone are vegetated unused land and a logistics centre, which is a suspected unauthorized development (UD);
- (b) to its west across Ping Ha Road is an amenity area; to its further west and southwest within the adjacent “Village Type Development” (“V”) zone are two amenity areas, residential dwellings of Lo Uk Tsuen (nearest residential dwelling is about 56m away). To its northwest are a parking of vehicles, which is a suspected UD, and a cultivated agricultural land; and
- (c) to its immediate north and northeast are a yard for parking of vehicles covered by the planning permission of Application No. A/HSK/53 and unused land.

## **8. Planning Intention**

The planning intention of the “O” zone is intended 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.

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

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

### **Land Administration**

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

- (a) The Site comprises an Old Scheduled Agricultural Lot 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 Site is accessible to Ping Ha Road through Government land (GL). Her office provides no maintenance work for the GL involved and does not guarantee right-of-way.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should the application be approved, the lot owner(s) will need to apply to her Office to permit the structures to be erected or regularize any irregularities on site. Such application 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 will be approved. If such application 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.

### **Traffic**

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

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

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

- (a) The access arrangement should be commented by TD.
- (b) 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**

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

- (a) There is no substantiated 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 the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) issued by the DEP to minimize potential environmental nuisance to the surrounding area.

### **Landscape**

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

- (a) He has no objection to the application from the landscape planning point of view.
- (b) The Site abuts to Ping Ha Road and lies in an area of “O” zone. The Site is subject of last Application No. A/YL-HT/948 for temporary parking use which was approved with conditions including the landscape condition. The tree preservation proposal was implemented and accepted. The current planning application seeks planning permission for the same use for a period of 3 years by the same applicant.
- (c) With reference to the site photos dated 13.2.2018 and aerial photo of 2017, it is observed that the Site is hard paved with trees generally along the site boundary. The applied use is already in operation. The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures. Significant change to the landscape character arising from the application is not anticipated. Hence, he has no objection to the application from the landscape planning point of view.
- (d) Should the application be approved, in view of the above, he advise the applicant to maintain all landscape screen planting including trees and shrubs in good condition for the duration of the approval period.

### **Drainage**

9.1.6 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.
- (b) He notes that that the drainage proposal was generally identical to the one submitted under the previous approved application no. A/YL-HT/948. Should the application be approved, he suggests that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and to submit condition record of the drainage facilities to the satisfaction of his Division.

### **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 structures, 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 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.

### **Long Term Development**

9.1.8 Comments of Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA

and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

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

- (a) Since the Site involves private lot only, she has no objection in-principle to the application.
- (b) The Site is zoned “Open Space” on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1. It is not on the priority list for development agreed by the Yuen Long District Council. Her office has no plan to develop the Site into public open space at present.

#### **District Officer’s Comments**

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

His office has not received any comment from the locals on the application.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD)

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

On 13.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 6.3.2018, no public comment was received.

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

11.1 The Site falls within area zoned “O” under the OZP. The planning intention of “O” zone is intended primary 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 development is not in line with the planning intention of the “O” zone, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD and DLCS have no objection to the applied use for 3 years on 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 implementation of government projects.

- 11.2 The Site is located in an area which is predominantly occupied by unused land, public vehicle park and logistics centre uses. As such, the applied use is not incompatible with the surrounding environment (**Plan A-2**).
- 11.3 There are no adverse comments on the application from concerned Government departments, including AC for T/NT, TD, DEP and CE/MN, DSD. The applied use will unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. There has been no environmental complaint for the applied use concerning the Site received in the past 3 years. 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 The Committee has approved 3 previous applications for public vehicle park uses at the Site and 4 similar applications for the same use within the same “O” zone. Approval of the current application is in line with the previous decision of the Committee.
- 11.5 There is no public comment received on the application during the statutory publication period.

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

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department considers that the temporary public vehicle park (private car and light goods vehicle) 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 **6.4.2021**. 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 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 on the Site 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 time 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 submission of a condition record of existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.7.2018**;
- (j) the submission of a fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.10.2018**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.1.2019**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) 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;
- (m) if any of the above planning conditions (i), (j) or (k) 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; and

- (n) upon expiry of the planning permission, the reinstatement of the application 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 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 applied use is not in line with the planning intention of the "O" zone, which is intended primary 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 in the submission for a departure from the planning intention, even on a temporary basis.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 7.2.2018 with site plan, proposed layout plan, proposed tree preservation plan and as-built drainage plan
<b>Appendix II</b>	Previous s.16 Applications covering the Site
<b>Appendix III</b>	Similar s.16 Applications within the subject "O" Zone on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site 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

**Plan A-3**  
**Plans A-4**

Aerial Photo  
Site Photos

**PLANNING DEPARTMENT**  
**APRIL 2018**