

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

APPLICATION NO. A/HSK/80

- Applicant** : Mr. TANG Yau Ming
- Site** : Lots 656 RP (Part), 656 S.A, 656 S.B, 656 S.C, 656 S.D, 656 S.E, 656 S.F, 656 S.G, 656 S.H, 656 S.I, 656 S.J, 656 S.K, 656 S.L and 656 S.M in D.D. 125, San Wai, Ha Tsuen, Yuen Long
- Site Area** : 1,400 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Public Vehicle Park (Private Car) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (private car) for a period of 3 years. The Site falls within an area zoned “V” on the draft HSK and HT OZP (**Plan A-1**). According to the covering Notes of the OZP for “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently being used for the applied use without valid planning permission (**Plan A-2**).
- 1.2 The Site is not related to any previous planning application.
- 1.3 The Site is accessible from San Sik Road via a local track and the ingress/egress are located at the northern boundary of the Site (**Plan A-2** and **Drawing A-1**). As shown on the proposed layout plan at **Drawing A-2**, the Site will provide 50 private car parking spaces. No structure is being proposed on the Site. According to the applicant, the operation hours of the Site are 24-hour daily, including public holidays.
- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 1.6.2018 with proposed layout plan, proposed drainage plan, proposed landscape plan, proposed vehicular access plan and Fire Service Installations (FSIs) proposal **(Appendix I)**
- (b) Letter from the applicant dated 26.6.2018 in response to Transport Department's comments **(Appendix Ia)**

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 in **Appendix I**. They can be summarized as follows:

- (a) The proposed development aims to meet the increasing needs of the villagers' demand for parking of private cars.
- (b) The proposed development would not generate adverse environment problems. Fencing is proposed by the applicant to affect surrounding environment.

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

The Site is subject to on-going enforcement action (No. E/YL-HSK/19) against an unauthorized development (UD) involving parking of vehicles. An Enforcement Notice was issued to the concerned parties on 19.3.2018 to the concerned parties requiring the discontinuation of the UD. Subsequently, the site inspection revealed that the UD was discontinued upon the expiry of the EN. The Site would be kept under close monitoring for further action, if necessary.

5. Previous Application

There is no previous application within the Site.

6. Similar Applications

There are 3 similar applications (Nos. A/YL-HT/719 and 915 and A/HSK/20) involving temporary vehicle park uses for private cars and/or light goods vehicles within the same "V" zone on the OZP approved with conditions by the Committee on 17.7.2012, 31.12.2014 and 10.11.2017 respectively. However, 2 of them (Nos. A/YL-HT/719 and 915) were subsequently revoked due to non-compliance with approval conditions. Particulars of these applications and the decisions of the Committee are summarized at

Appendix II and their locations are 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) currently being used for the applied use without valid planning permission; and
- (b) accessible from San Sik Road via a local track

7.2 The surrounding areas have the following characteristics:

- (a) predominately residential with other mixed uses including storage yards, parking of vehicles, warehouse, unused land and fallow agricultural land;
- (b) residential structures are found in the vicinity of the Site with the nearest one located about 3m to its northwest;
- (c) there is a warehouse to its northwest covered by a valid planning permission granted under No. A/HSK/49; and
- (d) other storage yards and parking of vehicles in the vicinity are suspected unauthorized developments (UDs) subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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.

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 comprises 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) The Site is accessible to San Sik Road through Government Land (GL) and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) According to his record, no Small House (SH) application has been approved and there is 1 SH application under processing within the Site. The SH application is still in preliminary stage.
- (e) Should the application be approved, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by 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 to the application from traffic engineering point of view.
- (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.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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) If the access arrangement is agreed by TD, a proper road connection or run-in/out should be constructed to the satisfactory of TD and HyD for access E-G (**Drawing A-1**).
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) The access between accesses A-B and E-G is not and will not be maintained by HyD (**Drawing A-1**).

Environment

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

- (a) There is no substantiated environmental complaint concerning the Site received over the past 3 years for the applied use.
- (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 Open Storage and Temporary Uses' (COP).

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) He has the following comments on the submitted drainage proposal:
 - (i) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands.
 - (ii) Please demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands.
 - (iii) Please indicate clearly the full alignment of the discharge path from the application site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.
 - (iv) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
 - (v) The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel.
 - (vi) Consideration should be given to provide grating for the surface channels.
 - (vii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (viii) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.

- (ix) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (x) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (xi) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
 - (xii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (xiii) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
- (c) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Fire Safety

9.1.6 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 the satisfaction of D of FS.
- (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) However, 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.

District Officer's Comments

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

10. Public Comments Received During Statutory Publication Period

On 8.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 29.6.2018, 1 public comment from an individual (**Appendix III**) was received objecting to the application mainly on ground that the Site should not be used for parking purpose.

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (private car) in the “V” zone of San Wai. Whilst the applied use is not entirely in line with the planning intention of “V” zone which is primarily intended for development of Small Houses by indigenous villagers. Whilst there are 1 SH application under processing on the Site, DLO/YL of LandsD advises that it is still in preliminary stage. The applied use could provide parking facilities to meet any such demand in the area. Approval of the application on a temporary basis will not frustrate the planning intention of the “V” zone and will not jeopardize the long term development of the Site.

11.2 The Site is located within the village clusters. The applied development is considered not incompatible with the surrounding land uses which mainly comprise rural residential dwellings/structures, parking of vehicles, storage yards and warehouse (**Plan A-2 and A-3**).

11.3 There is no adverse comment from the concerned Government departments, including DEP, AC for T/NT of TD and CE/MN of DSD. The applied use will unlikely create significant adverse environmental, traffic and drainage impacts to the surrounding area. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant 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 planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.

11.4 The Committee has approved 3 similar applications for public vehicle park use within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.

11.5 A public comment was received objecting to the application mainly on grounds stated in paragraph 10 above. 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 comment mentioned in paragraph 10 above, the Planning Department considers that the temporary public vehicle park (private car) 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 20.7.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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;
- (b) no light, medium and heavy goods vehicles, including container tractors/trailers, 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;
- (c) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (d) the submission of a revised 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 20.1.2019;
- (e) in relation to (d) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.4.2019;
- (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 **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.1.2019;
- (h) in relation to (g) 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 **20.4.2019**;

- (i) the submission of a run-in proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by **20.1.2019**;
- (j) in relation to (i) above, the implementation of the run-in proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by **20.4.2019**;
- (k) the provision of fencing of the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **20.1.2019**;
- (l) if any of the above planning conditions (a), (b), (c) or (f) 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 (d), (e), (g), (h), (i), (j) or (k) 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; and
- (n) upon 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 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 "V" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such 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

Appendix I	Application form received on 1.6.2018 with proposed layout plan, proposed drainage plan, proposed landscape plan, proposed vehicular access plan and Fire Service Installations (FSIs) proposal
Appendix Ia	Letter from the applicant dated 26.6.2018 in response to Transport Department's comments
Appendix II	Similar Applications within the same "V" Zone on the draft HSK and HT OZP
Appendix III	Public Comment received during statutory publication period
Appendix IV	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	Proposed Drainage Plan
Drawing A-5	Fire Service Installations Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2018**