

Previous S.16 Applications covering the Application Site

Approved Application

Application No.	Uses/Development	Date of Consideration
A/HSK/12	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years	22.9.2017 (revoked on 22.6.2018)

Rejected Applications

Application No.	Uses/Development	Date of Consideration	Rejection Reason(s)
A/YL-HT/760	Proposed Temporary Open Storage of Steel Reinforcement for a Period of 3 Years	20.1.2012	(1), (2), (4), (5)
A/YL-HT/852	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years	7.6.2013	(1), (3), (4), (5)

Rejection Reason(s)

- (1) No strong justification for a departure from the planning intention of “V” zone.
- (2) Not in line with Town Planning Board Guidelines No. 13E of application for Open Storage and Port Back-up Uses.
- (3) Insufficient information to demonstrate no adverse traffic, landscape, environmental or drainage impacts on the surrounding areas.
- (4) Setting of an undesirable precedent for similar application.
- (5) Not compatible with the surrounding areas.

Similar S.16 Application within the Subject “Village Type Development” Zone on the Hung Shui Kiu & Ha Tsuen Outline Zoning Plan in the Past Five Years

Approved Application

Application No.	Uses/Development	Date of Consideration
A/HSK/308	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 5 Years	25.6.2021

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lots (OSALs) 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;
- the following lot are covered by Short Term Waiver (STW) as listed below; and

<u>STW No.</u>	<u>Lot No.</u>	<u>Purposes</u>
4878	3218 in D.D. 129	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles only)

- his advisory comments are at **Appendix IV**.

2. Traffic

Comments of the Chief Highway Engineer/New Territories West, Highways Department:

No objection to the application from highway maintenance point of view.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from drainage point of view; and
- should the application be approved, a condition should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.

4. Fire Safety

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided on the Site; and
- in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is required to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.

5. Environment

Comments of the Director of Environmental Protection:

- no objection to the application; and
- there was no environmental complaint pertaining to the Site received in the past three years.

6. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

No objection to the application.

7. Long-term Development

Comments of the Project Manager (West), Civil Engineering and Development Department (CEDD):

No comment on the application.

8. District Officer's Comments

Comments of the District Officer (Yuen Long), Home Affairs Department:

- no comment from departmental point of view; and
- his office has not received any comment from the locals on the application.

9. Other Departments' Comments

The following government departments have no objection to/no adverse comment on the application:

- Chief Engineer/Construction, Water Supplies Department; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- the lot owner(s) will need to apply to his office for Short Term Waiver (STW) to permit structure erected or to be erected within the subject lots and apply for modification of the STW(s) where appropriate. The application(s) for STW(s) and modification of STW(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW(s), if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure will be considered; and
 - there are no Small House applications under processing at the Site;
- (c) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- the access road from Fung Kong Tsuen Road to the Site is not maintained by HyD; and
 - adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- the applicant/owner should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant/owner should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. There is no details on site layout, site cross section and the information/condition of existing water course/drainage facilities provided in the application. As such, only preliminary comments are provided. It is assumed that the existing water course and drainage facilities remain unchanged and should not be affected/altered/modified. Any earth filling of the watercourse, drainage diversion works or modification works is not allowed unless a drainage proposal is submitted and accepted. The applicant/owner should be reminded that his drainage facilities should be properly designed, constructed and maintained in good condition without causing adverse drainage impact to the adjacent area at all times, and the applicant/owner is required to rectify/modify the drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the application. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage

or nuisance caused by failure or ineffectiveness of the drainage systems caused by his application; and

- the cost and work of drainage as well as future maintenance responsibility should be borne by the applicant(s);

(f) to note the comments of the Director of Fire Services (D of FS) that:

- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed fire service installations to be installed should be clearly marked on the layout plans; and
- if the proposed structure is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(g) to note the comments of the Director of Environmental Protection that the applicant is advised:

- to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”; and
- to meet the statutory requirements under relevant environmental legislation;

(h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

- before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- 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 (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5 m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as 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 Site under the BO; and
- any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage;

(i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the applicant should ensure their development would not affect or impose constraint to the proposed works under Hung Shui Kiu/Ha Tsuen New Development Area Remaining Phase development; and

- (j) to note the comments of the Commissioner of Police that the applicant should ensure proper management measures to avoid the lining up of vehicle waiting for the entry to the carpark, which would have impact on the smooth traffic flow.

tpbpd/PLAND

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A/HSK/601

Lots 3216 RP and 3218 in D.D. 129, Fung Kong Tsuen, Yuen Long

Site area: About 7,306sq.m

Zoning: "VTD" and "Open Space"

Applied use: Public Vehicle Park 30 Cars / 43 Light Goods / **5 Years**

Dear TPB Members,

Strong Objections. While there is no record of approval, the lots have been used for years as parking spaces for commercial vehicles. Has any enforcement action been taken?

The application is intended to gain approval for what will continue to be a parking lot for large vehicles and open storage of new vehicles. Both are incompatible with the "V" zone planning intention.

The consultant mentions the adjoining parking lot on 308 – with a fresh application under 605. This is also being used from commercial not private vehicles. Both applications have nothing to do with addressing the parking needs of the villagers.

Note that there is no mention of the provision of EV recharging, an essential for any new parking lots going forward.

The application should be rejected as it is obviously suspicious in nature.

Mary Mulvihill