

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/209

- Applicant** : Lucky Way Industrial Limited represented by R-riches Property Consultants Limited
- Site** : Lots 2427RP (Part) and 2428RP (Part) in D.D.124, Hung Shui Kiu, Yuen Long, New Territories.
- Site Area** : 632.7m² (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** : “Residential (Group A) 4” (“R(A)4”)
[Restricted to a maximum plot ratio of 5 and a maximum building height of 140mPD]
- Application** : Temporary Public Vehicle Park (excluding container vehicle) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (excluding container vehicle) for a period of 5 years (**Plan A-1**). The Site falls within the “R(A)4” zone on the approved HSK and HT OZP No. S/HSK/2. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ within “R(A)4” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently being used for private car park without a valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is subject to 8 previous planning applications No. A/YL-PS/12, 219, 277, 288, 296, 368, 471 and A/HSK/2 for proposed comprehensive development with minor relaxation on building height, temporary open storage of building and construction materials and temporary vehicle park uses respectively (**Plan A-1**). The last planning application (No. A/HSK/2) for temporary vehicle park use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 11.8.2017 and was revoked on 11.11.2019 due to non-compliance with time specific approval conditions. The current application is submitted by the same applicant for the same public vehicle park use at the same site but with a difference layout.

- 1.3 The Site is accessible from Hung Yuen Road via an ingress/egress point at the southwestern boundary of the Site (**Drawing A-1 and Plans A-1 and 2**). As shown on the proposed layout plan at **Drawing A-2**, manoeuvring space is proposed at the western part of the Site. According to the applicant, the temporary public vehicle park will operate 24 hours daily and it is estimated that the daily vehicular trips to/from the Site on weekdays and weekends about 18 and 30 trips respectively. The location plan showing the vehicular access, proposed layout plan, landscape and tree preservation proposal, drainage proposal and fire service installations (FSI) proposal are shown at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the proposed development in the current application and the last approved application are shown below:

Major Development Parameters	Previous Application No. A/HSK/2 (revoked on 11.11.2019) (a)	Current Application No. A/HSK/209 (b)	Difference (b) – (a)
Site Area	About 632.7m ²		---
Applied Use	Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years	Temporary Public Vehicle Park (excluding container vehicle) for a Period of 5 Years	Apply for longer time period of 2 years
Total Floor Area	Nil		---
No. of Parking Space for Private Vehicle/Light Goods Vehicles	13	12	-1
Operation Hours	24 hours daily		---

- 1.5 In support of the application, the Applicant has submitted the following documents:
- (a) Application Form received on 13.12.2019 **(Appendix I)**
 - (b) Supplementary Planning Statement with the location plan showing the vehicular access, proposed layout plan, landscape and tree preservation proposal, drainage proposal and FSI proposal **(Appendix Ia)**
- 1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.2.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

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 compatible with the surrounding area.
- (b) The proposed development would provide car parking spaces to local residents.
- (c) Only private cars will be allowed to park at the Site.
- (d) The Site is involved in many previous applications for similar uses approved by the Board.

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 registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

As the parking of vehicles on the Site is not covered by valid planning permission, it would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is subject to seven previous applications (No. A/YL-PS 12, 219, 277, 288, 296, 368 and 471 when the Site was zoned “Comprehensive Development Area” (“CDA”) on the then Ping Shan OZP, and one previous application No. A/HSK/2 under the current OZP. Details of the applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-PS/12 for proposed comprehensive development with minor relaxation on building height covering a much larger site was approved by the committee with conditions on 8.8.1997. However, the approved scheme had not been executed and the planning permission lapsed on 8.8.2003.
- 5.3 Applications No. A/YL-PS/277, 288 and 296 for temporary vehicle park for private car, light goods vehicle and medium goods vehicle with ancillary office and storeroom was approved by the Committee with conditions for a period of 3 years on 14.12.2007, 24.10.2008 and 27.2.2009 respectively on grounds that the use was not incompatible with the surrounding land uses, temporary uses would not frustrate the implementation of the planned use of the then “CDA” zone in the long term. However, applications No. A/YL-PS/277 and 288 were subsequently

revoked on 24.7.2008 and 24.4.2009 respectively due to non-compliance with approval conditions prohibiting parking of heavy and unlicensed vehicle on site and submission of fire service installations proposal respectively. On the other hand, all approval conditions for application No. A/YL-PS/296 were complied with.

- 5.4 Applications No. A/YL-PS/368 and 471 for renewal of planning approval for temporary vehicle park for private car, light goods vehicle and medium goods vehicle with ancillary office and storeroom were approved by the Committee with conditions for a period of 3 years on 24.2.2012 and 6.2.2015 respectively on similar considerations. All the approval conditions under applications No. A/YL-PS/368 were complied with, whereas application No. A/YL-PS/471 was subsequently revoked on 12.5.2017 due to non-compliance with approval conditions on prohibiting night-time operation and requirement for notice posting.
- 5.5 Application No. A/HSK/2 for proposed temporary public vehicle park (excluding container vehicle) was approved with conditions on 11.8.2017. The application was revoked on 11.11.2019 due to non-compliance with approval conditions on the implementation of the drainage proposal, provision of the run-in/out and the implementation of the tree preservation and landscape proposal.

6. Similar Applications

- 6.1 There are 5 similar applications (No. A/YL-PS/267, 331, 354, A/HSK/39 and 54) for similar public vehicle park uses within the same “R(A)4” zone on the OZP. All these applications were approved by the Committee between 2007 and 2018 taking into consideration that the temporary use would not frustrate the long term planning intention of zone and the use was not incompatible with the immediate surrounding land uses. Amongst these applications, application No. A/YL-PS/267, 331 and 354 were subsequently revoked due to non-compliance with time-specific approval conditions. Particulars of these applications and the decisions of the Committee are summarized at **Appendix III**. The locations of these application sites are shown on **Plan A-1**.
- 6.2 A similar application for temporary public vehicle park (private cars and light goods vehicles) use for a period of 3 years (Application No. A/HSK/208) will be considered by the Committee at this meeting.

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

7.1 The Site is:

- (a) fenced and hard-paved, with an entrance gate at its southwest;
- (b) currently used for parking of private cars and light goods vehicles without a valid planning permission; and
- (c) accessible directly from Hung Yuen Road.

7.2 The surrounding areas have the following characteristics:

- (a) To the north is an area occupied by open storage yards for construction

materials, tyres and parking of vehicles, vehicular repair workshop, canteen and warehouse and some vacant land.

- (b) To the northeast is a site currently used for bus depot and the Light Rail emergency loop, and to the east is an open storage yard for construction materials.
- (c) To the west across Hung Yuen Road is a residential development (Park Nara).
- (d) To the immediate south is a vehicle park under a valid planning permission A/HSK/39. To the further south are Light Rail tracks and the Castle Peak Road – Hung Shui Kiu Section.

8. Planning Intention

The planning intention of the “R(A)4” zone in the approved HSK and HT OZP is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application and the public comments 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 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 from Hung Yuen Road through Government Land (GL) only. His office does not provide maintenance works over the GL involved and does not guarantee any right-of-way over to the Site.
- (c) According to his record, there is no lease modification/land exchange application or building plan submission in relation to development at the application site approved/under processing.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the application be approved, the lot owners(s) of the lot(s) within STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. No construction of New Territories Exempted Buildings(s)

will be considered or allowed. Application(s) for any of the above will be considered by 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 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 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.

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 proposed access arrangement is agreed by TD, a proper run-in/out or road connection to Hung Yuen Road should be constructed in accordance with HyD's standard and to the satisfaction of TD and HyD.
- (c) If a run-in/out is proposed, it should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H513 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (d) A gully is located on the proposed run-in/out. The applicant should relocate and construct the gully in accordance with HyD's standard to ensure proper functioning of the gully. The applicant should submit a proposal showing the details of the relocation works to HyD for comment and agreement before commencement of any site works.
- (e) Excavation Permit should be obtained from his office prior to commencement of any excavation works on public roads maintained by his office.
- (f) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (g) HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Yuen Road.

Environment

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

- (a) 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' ('COP') to minimize any potential environmental nuisance.
- (b) This was no substantiated environmental complaint pertaining to the Site received in the past 3 years.

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 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 submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (b) He has the following comments on the submitted drainage proposal:
 - (i) Peripheral surface channel shall be provided along the boundary of the Site to collect the surface runoff accrued on site and to intercept the overland flow from the adjacent lands.
 - (ii) The cover levels and invert levels of the proposed u-channels, catchpits/ sand traps should be shown on the drainage plan.
 - (iii) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
 - (iv) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (v) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/ sand trap.
 - (vi) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.

- (vii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (viii) 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.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction. The FSIs proposal submitted is considered acceptable to his department.
- (b) The applicant is advised that the installation/ maintenance/ modification/ repair work of FSI shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services.
- (c) The applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (Cap 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) It is noted from the survey plan of the application that there are some existing structures within the Site. However, there is no proposed structures in the layout plan. Though the current use(s) of the site as revealed in the application is private car park, it is unknown whether works of existing structures would be involved.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are Unauthorized Building Works (UBW) under the Building Ordinance (BO) and should not be designated for any approved 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 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

application site under the BO.

- (d) Before any demolition works are to be carried out on the Site, prior approval and consent of the BA should be obtained. An Authorized Person (AP) should be appointed as the coordinator for any demolition works in accordance with the BO. Should the AP confirm the works fall into the Minor Works Control System (MWCS), then the applicant may proceed with the works under the MWCS.

Long Term Development

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

- (a) He has no objection to the proposed temporary use, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities. According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. However, the lot(s) concerned falls within sites under HSK/HT NDA Advance Works Phase 3 and the proposed tenure under the application may have conflict with Phase 3 works as per our latest implementation programme for the project.
- (b) Should the application be approved, the applicant should be informed of the possible conflict between his proposal and the development of HSK/HT NDA.

District Officer's Comments

9.1.9 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 locals on the application.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comment Received During Statutory Publication Period

On 20.12.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 10.1.2020, one public comment was received from an individual objecting the application on the ground that incompatibility of planning intention and history of non-compliance (**Appendix IV**).

11. Planning Considerations and Assessment

- 11.1 The application is for temporary public vehicle park (excluding container vehicle) for a period of 5 years at a site zoned “R(A)4” on the OZP. The planning intention of the “R(A)4” zone is intended primarily for high-density residential developments. Whilst the proposed development is not in line with the planning intention of “R(A)4” zone and PM/NTW, CEDD has no objection to the proposed development and advises that the proposed tenure under the application may have conflict with Phase 3 works according to the latest implementation programme for the project. Approval of the application on a temporary basis of 5 years would not jeopardize the long-term development of the Site. Furthermore, the applied use may help to meet some of the parking demand in the area. 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.
- 11.2 The Site is surrounded by open storage yards and vehicular repair workshops to the north, and residential development to the west (**Plan A-2**). The applied use, which is for parking of private cars and light goods vehicles only, is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including C for T, TD, DEP and CE/MN, DSD have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. There was no environmental complaint pertaining to 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 unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also 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 potential environmental impact.
- 11.4 The Site is the subject of 6 previous applications for similar temporary public vehicle park use with the last one (Application No. A/HSK/2) for the same applied use submitted by the same applicant granted in 2017. The approval was subsequently revoked due to non-compliance with approval conditions on the implementation of the drainage proposal, provision of the run-in/out and the implementation of the tree preservation and landscape proposal. On the other hand, the applicant has submitted landscape, drainage and FSI proposals in the

current application in which concerned departments, including D of FS, CTP/UD&L, PlanD and CE/MN, DSD have no adverse comment on. In view of the above, sympathetic consideration may be given to this application. Nevertheless, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will also be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application.

11.5 There is one public comment received during the statutory publication period.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11, the public comment mentioned in paragraph 10, the Planning Department has no objection to the proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years.

12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of 5 years until **20.3.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (b) a notice shall be posted at a prominent location of the Site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) 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;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a run-in/out proposal within **3** months from the date of planning approval to the satisfaction of the Director of Highways or of the Board **by 20.6.2020**;
- (f) in relation to (e) above, the implementation of the approval run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Board **by 20.9.2020**;

- (g) the submission of a drainage proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board **by 20.6.2020;**
- (h) in relation to (g) above, the implementation of the drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board **by 20.9.2020;**
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a valid fire certificate (FS251) within **3** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Board **by 20.6.2020;**
- (j) the provision of approved fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Board **by 20.9.2020;**
- (k) if any of the above planning conditions (a), (b), (c), (d) 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 any of the above planning conditions (e), (f), (g), (h), (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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

the proposed development is not in line with the planning intention of the "R(A)4" zone which is intended primarily for high-density residential developments. 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

Appendix I	Application Form received on 13.12.2019
Appendix Ia	Supplementary Planning Statement with the proposed layout plan, landscape and tree preservation plan, drainage proposal and fire services installations proposal
Appendix II	Previous applications covering the Site
Appendix III	Similar applications within the same “R(A)4” zone on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
Appendix IV	Public Comment
Appendix V	Advisory Clauses
Drawing A-1	Location Plan showing Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	Proposed Drainage Plan
Drawing A-5	Proposed Fire Service Installations Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2020**