

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/302

- Applicant** : Mr. TANG Yui Kan represented by Metro Planning and Development Company Limited
- Site** : Lots 904 S.B RP and 907 RP in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,200 m²
- 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** : “Open Space” (“O”) (87.6%); and
area shown as ‘Road’ (12.4%)
- 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 approval to use the application site (the Site) for temporary public vehicle park (private car and light goods vehicle) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “O” (87.6%) and shown as ‘Road’ (12.4%) on the approved HSK and HT OZP. According to the Notes of the OZP for “O” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is related to six previous applications for temporary open storage and vehicle park uses (**Plan A-1**). The last application No. A/HSK/53 for the same applied 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 16.3.2018. All time-limited approval conditions have been complied with. However, the planning approval lapsed on 28.3.2021. Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with a slight adjustment on the parking mix.

1.3 The Site is accessible from and directly abutting the Ping Ha Road (**Drawing A-1 and Plan A-2**) with the ingress/egress located at the western boundary of the Site. According to the proposed layout plan at **Drawing A-2**, 4 single-storey temporary structures/converted containers/open shed (not exceeding 3.5m in height) with total floor area of about 104m² for meter room, site office, guardroom and rain shelter uses are proposed. 13 and 6 parking spaces for private car and light goods vehicle (LGV) respectively are also proposed. The rain shelter is for the parking of bicycle use. The proposed operation hours will be from 7:00 a.m. to 11:00 p.m. daily including public holidays. The vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan submitted by the applicant are at **Drawings A-1 to 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:

Major Development Parameters	Last Approved Application (A/HSK/53) (a)	Current Application (A/HSK/302) (b)	Difference (b) - (a)
Applied Use	Temporary public vehicle park (private car and light goods vehicle) (3 years)		Same
Site Area	1,200m ²		Same
No. of Structures	4		Same
Total Floor Area	104m ²		Same
Parking Spaces	<ul style="list-style-type: none"> • 18 for private car • 2 for LGV 	<ul style="list-style-type: none"> • 13 for private car • 6 for LGV 	<ul style="list-style-type: none"> • -5 for private car • +4 for LGV
Operation Hours	7:00 a.m. to 11:00 p.m. daily including public holidays		Same

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

- (a) Application Form with plans received on 18.3.2021 **(Appendix I)**
- (b) Further Information (FI) received on 30.4.2021 clarifying that vehicles will stay overnight but not accessing the Site outside the operation hours **(Appendix Ia)**

2. **Justifications from the Applicant**

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

- (a) The planning intention for the Site would not be realised for developing into open space in near future. There is also no resumption programme to acquire the Site for such use.
- (b) The applied use and development parameters of the proposed development is the same as those of the last application. All approval conditions for the last planning permission have been complied with.

- (c) The proposed development is small in scale and compatible with the surrounding environment, with the intention to serve the parking demand from nearby villages (e.g. Lo Uk Tsuen and Tung Tau Tsuen).
- (d) The Site is the subject of 5 previous planning permissions for similar use since 2002. Similar planning applications have been approved by the Board in the same “O” zone.
- (e) The proposed development will have insignificant traffic, environmental and noise impacts as it is intended to serve nearby villagers and limited in scale. Drainage proposal has been implemented to mitigate drainage impacts.
- (f) Neither vehicle exceeding 5.5 tonnes nor container tractor/trailer/coach would be allowed to enter the Site. Vehicle without valid license issued under Road Traffic Ordinance will not be permitted to 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. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is related to six previous applications (No. A/YL-HT/260, 549, 582, 769 and 941 and A/HSK/53) for temporary vehicle park and open storage uses. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 All previous applications, except A/YL-HT/549 for temporary public vehicle park use, were approved with conditions by the Committee between 2002 and 2018 on the considerations that the applied uses were not incompatible with the surrounding areas; no major adverse comment from concerned Government departments; and temporary uses would not jeopardise the long-term planning intention of the Site. However, the planning permission of application No. A/YL-HT/260 was subsequently revoked on 9.5.2003 due to non-compliance with time-limited approval conditions.
- 5.3 Application No. A/YL-HT/549 for temporary open storage of construction materials was rejected by the Committee on 6.6.2008 mainly on reasons that the development was not in line with the planning intention of the “O” zone, not in line with the then Town Planning Board Guidelines No. 13 in that no previous approval for open storage use had been granted on the Site and there were adverse departmental comments, and insufficient information to demonstrate that there would be no adverse environmental impacts on the surrounding areas.

- 5.4 The last application No. A/HSK/53 for the same applied use was approved with conditions by the Committee on 16.3.2018 for a period of 3 years. All time-limited approval conditions have been complied with. The planning permission lapsed on 28.3.2021.
- 5.5 Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with a slight adjustment on the parking mix.

6. Similar Applications

There are three similar applications (No. A/HSK/56, 154 and 286) within the same “O” zone on the OZP for temporary public vehicle park use between 2018 and 2021. All these applications were approved by the Committee on similar considerations as mentioned in paragraph 5.2 above. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) directly abutting and accessible from the Ping Ha Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are some unused land. Further north are several residential dwellings, an open storage yard and a vehicle repair workshop;
- (b) to its east are some unused land;
- (c) to its immediate south is a yard for parking of vehicles with valid planning permission; to its further southeast across the nullah are some unused land and a logistics centre; and
- (d) to its west across Ping Ha Road are some residential dwellings of Lo Uk Tsuen and some parking of vehicles.

8. Planning Intention

The planning intention of the “O” zone is 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 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 prior approval of the Government.
- (b) The private land of Lot No. 904 S.B RP in D.D. 125 are covered by a Short Term Wavier (STW) No. 4364 to permit structures for the purpose of “Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles)”.
- (c) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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 Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring space 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 Transport Department (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) 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 was no environmental complaint pertaining to the Site received in the past three 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 Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) According to the applicant's submission, the existing drainage facilities which was implemented under the previous application No. A/HSK/53 will be maintained. He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest to stipulate a condition requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

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 applicant should be reminded of the detailed comments at **Appendix V**.

Long-Term Development

9.1.8 Comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, 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) The Site falls within the boundary of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within the Site under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for Remaining Phase development will commence in 2030.

Others

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

- (a) The Site falls within an area zoned “O” and shown as ‘Road’ on the approved HSK & HT OZP No. S/HSK/2. It is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) He notes the application period is three years and has no in-principle objection to the application.

District Officer’s Comment

9.1.10 Comments of 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 locals’ comments on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 26.3.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. The commenters raised concerns/objected to the application on the reasons that the proposed development would cause traffic congestion, environmental degradation and potential fire hazard, thus affecting the villagers’ safety and quality of life; and approval of the application would hinder the provision of recreational facilities (**Appendices IV-1 to 2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private car and light goods vehicle) for a period of 3 years at the Site zoned “O” (87.6%) and shown as ‘Road’ (12.4%) on the OZP. The planning intention of the “O” zone is 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. Whilst the applied use 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/W of CEDD and DLCS have no objection to the proposed temporary use at the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of 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 located in an area predominantly occupied by residential dwellings, unused land and parking of vehicles. The applied use is generally not incompatible with the surrounding land uses (**Plan A-2**).
- 11.3 There is no objection to or adverse comment on the application from concerned Government departments, including C for T, CE/MN, DSD, DEP and D of FS. Significant traffic, drainage, environmental and fire safety impacts on the surrounding areas are not expected. Further, relevant approval conditions are recommended in paragraph 12.2 to address concerns on the possible environmental nuisances or the technical requirements of the Government departments concerned. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised development on the Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental impacts on the surrounding areas.
- 11.4 The Committee has approved five previous applications for temporary public vehicle park use at the Site and three similar applications within the same “O” zone on the OZP (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There were two public comments received during the statutory publication period as summarised 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 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 **14.5.2024**. 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 vehicle without valid license issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site during the planning approval period;
- (c) no medium or heavy goods vehicle 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 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 trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (g) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **14.8.2021**;
- (j) the submission of a 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 Town Planning Board by **14.11.2021**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **14.2.2022**;
- (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; and
- (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.

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 applied use is not in line with the planning intention of the "O" zone, which 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. 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 with plans received on 18.3.2021
Appendix Ia	FI received on 30.4.2021 clarifying that vehicles will stay overnight but not accessing the Site outside the operation hours
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendices IV-1 to 2	Public Comments
Appendix V	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	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2021**