

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

**APPLICATION NO. A/HSK/308**

- Applicant** : Mr. WU Siu Sing represented by R-riches Property Consultants Limited
- Site** : Various Lots in D.D. 128 and D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 3,037m<sup>2</sup> (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** : “Village Type Development” (“V”)  
*[restricted to maximum building height of 3 storeys (8.23m)]*
- 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 “V” zone on the approved HSK and HT OZP. According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use within “V” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plans A-4a and 4b**).
- 1.2. The Site is accessible from Fung Kong Tsuen Road via local track with the ingress/egress located at the western side of the Site (**Drawing A-1, Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-2**, 3 single to 2-storey temporary structures (3.5-6.5m high) with a total floor area of about 163m<sup>2</sup> for site office, caretaker office and covered parking spaces are proposed. 40 parking spaces for private cars and 12 parking spaces for light goods vehicles will be provided. According to the applicant, the parking spaces are for rental purpose to nearby locals on a monthly basis only. No visitor parking will be provided. The proposed development will be operated 24 hours daily including public holidays.
- 1.3. In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with plans received on 26.4.2021 **(Appendix I)**



- (b) Supplementary Information (SI) received on 28.4.2021 providing trip generation rate **(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 summarized as follows:

- (a) The public vehicle park is intended to serve nearby residents.
- (b) ‘Public vehicle park (excluding container vehicle)’ is a Column 2 use in “V” zone. The applied use which is only on a temporary basis, will not jeopardize the long term planning intention of “V” zone.
- (c) Medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer are prohibited to be parked/stored at the Site.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimize the possible environmental impacts on the surrounding areas. No dangerous goods will be stored at the Site at any time during the planning approval period.
- (e) The proposed development will not create significant traffic, environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures will be provided after planning approval has been granted, i.e. submission of drainage and fire service installations (FSIs) proposals to mitigate any adverse impact arising from the proposed development.

## **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. 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 involved in 2 previous applications (No. A/YL-HT/852 and A/HSK/12) for temporary public vehicle park use for private cars, light goods vehicles and/or medium goods vehicles. 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/852 for temporary public vehicle park use for private cars, light and medium goods vehicles (covering part of the Site) was rejected by the Committee in 2013 for the reasons that the development was not in line with the planning intention of the “V” zone, parking of medium goods vehicles was incompatible with the surrounding areas and no strong planning justification had been given in the submission for a departure from the planning intention.
- 5.3. The last application No. A/HSK/12 covering a minor portion of the Site was approved with conditions by the Committee in 2017 on the considerations that the applied use was not incompatible with the surrounding areas and no major adverse comments from concerned Government departments. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on the submission and implementation of drainage, landscaping, fencing and fire service installations (FSIs) proposals. Comparing with the last approved application, the current application is submitted by a different applicant for similar public vehicle park for private cars and light goods vehicles only, with different site boundary and layout.

## **6. Similar Application**

There is no similar application within the same “V” zone on the OZP.

## **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) accessible from Fung Kong Tsuen Road via a local road.

7.2. The surrounding areas have the following characteristics:

- (a) to its immediate north is a residential dwelling while to its further north across Fung Kong Tsuen Road are a vehicle repair workshop and a logistics centre under valid planning permission;
- (b) to its immediate east and south is a vehicle park, while to its further southeast are a logistics centre, a piece of unused land and an open storage yard of containers;
- (c) to its west and southwest are village houses of Fung Kong Tsuen.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.



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

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

### **Land Administration**

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

- (a) He has no adverse comment to the application since it is only intended for a short period (i.e. 5 years) provided that no adverse comments from other sections/departments/locals/related parties are received.
- (b) The Site comprises Old Scheduled 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.
- (c) Should the application be approved, the lot owner(s) should 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 regularisation 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 rent or fee, as may be imposed by LandsD.
- (d) There are some Small House applications under processing but no Small House application approved within the Site.

### **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 comments 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) 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 the public road connecting to Fung Kong Tsuen 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 3 years.
- (b) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

### **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest imposing a planning condition requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

### **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 (BA) for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **Appendix IV**.

### **Fire Safety**

#### 9.1.7. 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.
- (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 him for approval.
- (c) The applicant should be reminded of the detailed comments in **Appendix IV**.



### **Other**

9.1.8. Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains located at the western boundary of the Site will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the proposed development.
- (c) The applicant should be reminded of the detailed comments in **Appendix IV**.

### **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.
- (b) 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) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD); and
- (b) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 4.5.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from two individuals were received. The commenters raised concern/objected to the application on reasons that the development would overload the traffic capacity and pose fire and safety hazards to the villagers and cause environmental degradation; and the current operation on Site, as a depot for container trucks, is too close to residential area which is not acceptable (**Appendices III-1 and 2**).

## **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 "V" on the approved HSK and HT OZP. The planning intention of the "V" zone is to primarily for development of Small Houses by indigenous villagers. Whilst the applied use is not in line with the planning intention of the "V" zone, it could provide parking space to meet any such demand in the area. Although there are small house applications under processing within the Site, DLO/YL has no adverse comments on the application since it is only intended for a short period (i.e. 5 years). In this regard, approval of the application on a temporary basis of 5 years would not jeopardize the long-term development of the Site.



- 11.2. The public vehicle park for private cars and light goods vehicles under application is not incompatible with the surrounding land uses which is predominantly occupied by village houses (**Plan A-2**).
- 11.3. Relevant Government departments, including AC for T/NT, TD, CE/MN, DSD, DEP and D of FS, have no objection to or adverse comment on the application. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions have been recommended in paragraph 12.2 to address the possible environmental nuisances or the technical requirements of concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized 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 minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.4. The Committee has approved one previous application for temporary public vehicle park for private cars and light goods vehicles at part of the Site (**Plan A-1**). Approval of the current application is in line with the Committee's previous decision.
- 11.5. There are two public comments received on the application during statutory publication period as summarised in paragraph 10. 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 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 permission shall be valid on a temporary basis for a period of 5 years until **25.6.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no vehicle without valid licenses issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (b) no medium and heavy goods vehicles (i.e. exceeding 5.5 tonnes), 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) a notice shall be posted at a prominent location of the Site at all times to indicate that only private car and light goods vehicle, as defined in the Road Traffic Ordinance, is allowed to enter/be parked on the Site during the planning approval period;



- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a 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 **25.12.2021**;
- (f) in relation of (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **25.3.2022**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 **25.12.2021**;
- (i) in relation to (h) 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 **25.3.2022**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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 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 primarily for development of Small Houses by indigenous villagers. 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 with plans received on 26.4.2021
<b>Appendix Ia</b>	SI received on 28.4.2021
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendices III-1 and 2</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2021**