

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

**APPLICATION NO. A/HSK/324**

- Applicant** : Mr. TANG Tsz Pan
- Site** : Lot 1089 in D.D. 125, Ha Tsuen, Yuen Long, N.T.
- Site Area** : 2,061.2m<sup>2</sup>
- 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 (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 (**Plan A-1a**). The Site falls within an area zoned “V” 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 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 (**Plans A2, A-4a and 4b**).
- 1.2 There are four previous applications for temporary shop and services and public vehicle park uses which cover part of the Site. The last application (No. A/HSK/76) (**Plan A-1b**) for the use same as the current applied use for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 2.11.2018. However, the approval was subsequently revoked due to non-compliance with the time-limited approval conditions.
- 1.3 The Site is accessible from Sik Kong Wai Road via a local track with an ingress/egress point at the southeastern part of the Site (**Drawing A-1 and Plan A-2**). As shown on the layout plan at **Drawing A-1**, the Site will provide 20 private car parking spaces. No structure or fence is proposed on the Site. According to the applicant, the operation hours of the Site are 24-hour daily, including public holidays. The applicant requests to exempt the requirements for provision of fencing and landscape planting for the Site as they would affect the vehicular access to the village and the area may be used as gathering place for the villagers when necessary. The

plan showing the drainage and fire services installations (FSIs) proposals submitted by the applicant is attached at **Drawing A-2**.

- 1.4 Comparison of the major development parameters of the current application and the last approved application is given in the table below. The enlargement of the Site in comparison with that of the last application to include the remaining area of the subject lot is to allow flexibility for the provision of necessary facilities like peripheral drains and for reservation of access for emergency vehicles, taking into account that the only vehicular access to the inner part of Sik Kong Wai is through the Site.

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/76) (a)</b>	<b>Current Application (A/HSK/324) (b)</b>	<b>Difference (b) – (a)</b>
<b>Applied Use</b>	Temporary public vehicle park (private car) for a period of 3 years	Temporary public vehicle park (private car) for a period of 3 years	same
<b>Site Area</b>	232m <sup>2</sup>	2061.2m <sup>2</sup>	+1829.2 m <sup>2</sup>
<b>No. of Structures</b>	0	0	same
<b>No. of Private Car Parking Spaces</b>	19	20	+1
<b>Operation Hours</b>	24 hours daily including Sundays and public holidays		same

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

- (a) Application Form received on 7.7.2021 with Supplement Information on the site area and layout **(Appendix I)**
- (b) Supplementary information received on 22.7.2021 on the proposed layout and site area **(Appendix Ia)**
- (c) Further information received on 19.8.2021 on drainage and FSIs proposals, estimated traffic rates and revised application form for record purpose. **(Appendix Ib)**

## **2. Justifications from the Applicant**

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

- (a) There is a deficit of parking spaces due to increase in population in the villages. Vehicles have to park adjacent to or over the pavement.
- (b) It is understood that the Government would not build similar facility such as public vehicle park in the short term. The proposed vehicle park would cater for the parking needs of the family members and the villagers.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” of the Site 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 notices and sending notice to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

#### **4. Background**

The Site is subject to an on-going planning enforcement action against an unauthorized development (UD) involving use of place for parking of vehicles. Enforcement Notice (Case No. E/YL-HSK/70) (**Plan A-2**) was issued to the concerned parties requiring discontinuation of the UD on 24.2.2021.

#### **5. Previous Applications**

The Site was involved in four previous applications (No. A/YL-HT/882, 997, 1051 and A/HSK/76) for temporary shop and services and public vehicle park uses covering part of the Site. They were all approved by the Committee between 2014 and 2018. The last application (No. A/HSK/76) for temporary public vehicle park (private car) for a period of 3 years was approved with conditions by the Committee on 2.11.2018 on the considerations that the applied use was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the Site; and concerned Government departments had no adverse comment. However, the approval was revoked on 2.5.2019 due to non-compliance with the time-limited approval conditions on the submission and implementation of both drainage and FSIs proposals. Details of the applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**. Compared with the last application, the current application is submitted by the same applicant for the same applied use with a larger site area. The parking layout of the applied use is nevertheless similar with that of the last application.

#### **6. Similar Applications**

There are 5 similar applications (No. A/HSK/20, 80, 169, 191 and 226) within the same "V" zone on the OZP for temporary public vehicle park for private cars with or without light goods vehicles which were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 5 above. However, 2 of them were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) accessible from Sik Kong Wai Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) predominately village houses with some parking of vehicles at its immediate and further north; and
- (b) to the south of the Site across Sik Kong Wai Road are some parking of vehicles,

storage uses and village houses of Ha Tsuen Shi.

## **8. Planning Intention**

The planning intention of the “V” zone is primarily 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.

## **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) 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) No small house application has been approved or is under processing within the Site. As no Small House application is involved in the Site and the application is only intended for a short period, he has no adverse comment on the application provided that no adverse comment from other sections/departments/local /related parties is received.

### **Traffic**

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to or reverse onto/from public roads.
- (c) The applicant should be reminded of the detailed comments in **Appendix V**.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Sik Kong Wai Road.

### **Environment**

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

- (a) There was no substantiated 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):

- (a) She has no objection in principle to the application from a drainage point of view.
- (b) 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 the satisfaction of her 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 for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **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 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 V**.

### **District Officer's Comment**

9.1.8 Comment of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

Her office has not received any locals' comment on the application.

- 9.2. Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.

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

On 23.7.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, a total of 7 public comments were received (**Appendices IV-1 to 7**). Two public comments (from a Yuen Long District Councillor and Ha Tsuen Rural Committee) support the application on the reasons that the development would help to meet the car parking demand and to alleviate illegal car parking in the rural area (**Appendices IV-1 and 2**). The remaining 5 public comments (from the Chairman of Yuen Long District Council and individuals) object to the application on the grounds that the development will cause fire safety issue and increase traffic flow, leading to traffic congestion, hazards to the pedestrian, road damage and air and noise pollutions; repeated non-compliance with conditions in previous approvals; the site being too large for the proposed use and the trees on site should be preserved; and question on proper manning of the proposed carpark in 24-hour operation (**Appendices IV-3 to 7**).

## **12. Planning Considerations and Assessment**

- 12.1 The application is for temporary public vehicle park (private car) for a period of 3 years in the “V” zone of Sik Kong Wai. Whilst the applied use is not entirely in line with the planning intention of “V” zone which is primarily for development of Small House by indigenous villagers, DLO/YL of LandsD advises that no Small House application within the Site has been approved or under processing. On the other hand, the applied use could provide parking facilities to meet any such demand in the area. Approval of the application on a temporary basis of 3 years would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The Site is located within the village cluster. The applied use is considered not incompatible with the surrounding land uses which mainly comprise rural residential dwellings/structures (**Plan A-2**).
- 12.3 The previous planning approval (Application No. A/HSK/76) submitted by the same applicant for the same applied use was given by the Committee on 2.11.2018. Although the planning permission was subsequently revoked due to non-compliance with time-specific approval conditions, the applicant has submitted drainage and FSIs proposals in the current application (**Drawing A-2**). The enlargement of the site to include the remaining area of the subject lot would allow flexibility for the provision of necessary facilities like peripheral drains and for reservation of access for emergency vehicles, taking into account that the only vehicular access to the inner part of Sik Kong Wai is through the Site. D of FS and CE/MN, DSD have no objection to the application. However, should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.
- 12.4 Other concerned government departments including DEP and C for T have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse environmental, traffic, fire safety 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 have been recommended in paragraph 13.2 below. 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 also be advised to 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.

- 12.5 In addition to the previous planning approval for public vehicle park at the Site (**Plan A-1b**), there are 5 similar approvals within the same "V" zone on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee's previous decisions.
- 12.6 There are 7 public comments received during the public inspection period, in which 2 of them support the application and 5 of them object to the application mainly on grounds stated in paragraph 11 above. The planning considerations and assessments in the above paragraphs are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 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 **27.8.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) no vehicle without valid license 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 vehicle, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) 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 Town Planning Board by **27.11.2021**;
- (e) in relation to (d) 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 Town Planning Board by **27.2.2022**;
- (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 **3** months from the

date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.11.2021**;

- (h) in relation to (g) above, the implementation of the 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 **27.2.2022**;
- (i) 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; and
- (j) if any of the above planning conditions (d), (e), (g) or (h) 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**.

- 13.3 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.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 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.

### **15. Attachments**

<b>Appendix I</b>	Application Form received on 7.7.2021
<b>Appendix Ia</b>	SI received on 22.7.2021
<b>Appendix Ib</b>	FI received on 19.8.2021
<b>Appendix II</b>	Previous Applications Covering the Site
<b>Appendix III</b>	Similar Applications Within the Same "V" Zone
<b>Appendices IV-1 to 7</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Drainage and FSIs Proposals
<b>Plan A-1a</b>	Location Plan with Similar Applications

<b>Plan A-1b</b>	Previous Applications 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  
AUGUST 2021**