

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

**APPLICATION NO. A/HSK/352**

- Applicant** : Mr. TANG Kam Chak represented by Metro Planning & Development Company Limited
- Site** : Lots 136 RP (Part) and 137 RP (Part) in D.D. 127, Ping Shan, Yuen Long, N.T.
- Site Area** : 680 m<sup>2</sup> (about)
- Land Status** : 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”)
- Application** : Proposed Temporary Public Vehicle Park for Private Car for a Period of 3 Years with Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park for private car for a period of 3 years with filling and excavation of land at the application site (the Site) (**Plan A-1**). 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 for “V” zone requiring planning permission from the Town Planning Board (the Board). Filling and/or excavation of land within the zone also require planning permission from the Board. The Site is currently vacant and overgrown with vegetation. There is no previous application involving the Site.
- 1.2 The Site is accessible from Kiu Hung Road via an adjoining temporary public vehicle park with valid planning permission (Application No. A/HSK/194) comprising the remaining portions of Lots No. 136 RP and 137 RP and Government Land (GL) (**Plans A-1 and A-2**). As shown on the submitted layout plan at **Drawing A-2**, the Site will provide 24 private car parking spaces. One 1-storey temporary structure (3m high) will be provided near the entrance for site office use. Filling of land with concrete at the whole Site with a depth of about 0.1 to 0.5m is required to achieve a gentle gradient of the Site from +5.1mPD to +5.5mPD (**Drawing A-3**). Excavation of land of about 33.6m<sup>2</sup> with a depth of 0.3m is also proposed at the Site. According to the applicant, no vehicle without valid licences is permitted to be parked at the Site

and no workshop activity would be allowed within the Site. The operation hours are 24-hour daily (including public holidays).

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

- (a) Application Form received on 8.12.2021 with annexes drawings **(Appendix I)**
- (b) Supplementary Information (SI) received on 15.12.2021 **(Appendix Ia)**
- (c) Further Information (FI) received on 28.2.2022 **(Appendix Ib)**
- (d) FI received on 1.3.2022 **(Appendix Ic)**  
*[(c) and (d) are exempted for publication]*

1.4 At the request of the applicant, the Committee on 28.1.2022 agreed to defer a decision on the application for two months so as to allow time for the applicant to submit FI to address departmental comments. After the deferment, FI submissions were received on 28.2.2022 and 1.3.2022. The application is therefore 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 Application Form at **Appendix I**. They can be summarized as follows:

- (a) The applied use is deemed to be an extension of an existing public vehicle park with planning permission to serve nearby residents in meeting the genuine demand for vehicle park in Hung Uk Tsuen. The applied use on a temporary basis will not result in any long-term adverse impacts to the planning intention of the area.
- (b) The traffic generation and attraction of the proposed development would be minimal. Adverse traffic impact to the surrounding road network should not be anticipated.
- (c) The applied use would not generate significant impact to the surrounding environment with a number of mitigation measures including the provision of surface U-channel.

## **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 the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is currently not subject to any active planning enforcement action.

## 5. **Previous Application**

The Site does not involve any previous application.

## 6. **Similar Applications**

There are two similar applications (No. A/HSK/36 and 194<sup>1</sup>) for temporary public vehicle park (private car) uses at a site within the same “V” zone on the OZP. The applications were approved with conditions by the Committee on 12.1.2018 and 13.12.2019 respectively on the considerations that approval of the applications would not jeopardize the long-term development of the site; the applied uses were not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kiu Hung Road via an adjoining temporary public vehicle park; and
- (b) currently vacant and overgrown with vegetation.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and south are village houses of Hung Uk Tsuen. To its further north across a local road are a car park and the village settlement of Kiu Tau Wai. To its northeast are a pond and a stormwater pumping station;
- (b) to its immediate east is a temporary public vehicle park with valid planning permission (Application No. A/HSK/194). Further east across Kiu Hung Road are a nullah and Light Rail track. To its further southeast across the nullah is a low rise development of La Mansion (**Plan A-3**);
- (c) to its south are some fallow agricultural land; and
- (d) to its immediate west are a playground and a latrine. Further west and northwest are a sauce factory and a car servicing establishment intermixed with some residential dwellings.

## 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 (SH) 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

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<sup>1</sup> Application No. A/HSK/194 was submitted by the same applicant of the current application.

of the village development are always permitted on the ground floor of New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the public comments received and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

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

10.1 On 17.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 34 public comments from individuals and the village representatives (VRs) of Hung Uk Tsuen and Kiu Tau Wai were received (**Appendices III-1 to III-25**, including 10 comments using standard letters with a sample at **Appendix III-16** ).

10.2 Amongst them, 33 commenters object to the application on the grounds that the applicant has illegally occupied government land and removed the roadside railing for the construction of a bridge for access purpose, and the proposed development will increase traffic flow, cause traffic congestion and affect pedestrian safety, generate environmental nuisances, cause flooding problem, pose fire safety hazards to the villagers and affect the tranquillity of the village. One commenter further suggests that stacked facilities should be used to reduce the footprint of the proposed car park. The remaining comment from a VR of Hung Uk Tsuen (**Appendix III-25**) supports the application as the proposed development could provide car parking spaces to meet the needs of the villagers.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary public vehicle park for private cars for a period of 3 years with filling and excavation of land at a site zoned “V” on the approved HSK and HT OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone which is primarily for development of Small House by indigenous villagers, it could provide vehicle parking spaces to meet any such parking demand in the area. The proposed filling and excavation of land to achieve a gentle gradient of the Site (**Drawing A-3**) is also not considered excessive. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “V” zone.

11.2 The Site is mainly surrounded by fallow agricultural land and residential dwellings (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses. Besides, according to the applicant, the proposed development is an extension of the existing temporary car park with 28 private car parking spaces to the immediate east of the Site, which was subject to a valid planning permission (Application No. A/HSK/194). The aggregate total number of private car parking spaces of 52 (i.e. 28 + 24 spaces under current application) is considered not excessive.

11.3 Relevant government departments, including C for T, CHE/NTW of HyD, DEP,

CE/MN of DSD and D of FS have no objection to or no adverse comment on the application, including the proposed filling and excavation of land. The proposed use and engineering works will unlikely create significant adverse traffic, environmental, drainage and fire safety impacts to the surrounding areas. To address the technical concerns/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 unauthorized development on the site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and relevant guidelines and practices in order to minimise the possible environmental impacts on the nearby sensitive receivers.

- 11.4 There is no previous application at the Site. There are two similar approved applications at the adjoining site within the same “V” zone (**Plan A-1**) of which the latter one (No. A/HSK/194) was approved by the Committee with conditions on 13.12.2019. Approval of the subject application is generally in line with the Committee’s previous decisions.
- 11.5 There are 34 public comments received during the public inspection period with 33 objecting to the application and 1 supporting the application as stated in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant. Regarding the concerns on illegal occupation of GL and removal of roadside railing by the applicant, it is noted that the concerned GL is located within the site boundary of the approved scheme under Application No. A/HSK/194 instead of within the Site.

## **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 on 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 **22.4.2025**. 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, as proposed by the applicant, during the planning approval period;
- (b) only private cars, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, during the planning approval period;
- (c) the submission of a 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 **22.10.2022**;

- (d) in relation to (c) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **22.1.2023**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **22.10.2022**;
- (g) in relation to (f) 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 **22.1.2023**;
- (h) if any of the above planning condition (a), (b) or (e) 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
- (i) if any of the above planning condition (c), (d), (f) or (g) 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 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 received on 8.12.2021
<b>Appendix Ia</b>	SI received on 15.12.2021
<b>Appendices Ib and Ic</b>	FI received on 28.2.2022 and 1.3.2022

<b>Appendix II</b>	Similar Applications
<b>Appendices III-1 to III-25</b>	Public Comments
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Land Filling Plan
<b>Drawing A-4</b>	Cross Section of the Application Site
<b>Drawing A-5</b>	Proposed Drainage 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 to 4b</b>	Site Photos

**PLANNING DEPARTMENT**  
**APRIL 2022**