

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

**APPLICATION NO. A/HSK/354**

- Applicant** : Mr. LEE Kwong Ho represented by R-riches Property Consultants Limited
- Site** : Lots 2076 S.A, 2076 S.B, 2076 S.C, 2076 S.D, 2076 S.E, 2076 S.F (Part) and 2076 RP (Part) in D.D.124, Tin Sam, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : 961 m<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
- Zonings** : “Village Type Development”(“V”)  
*[Restricted to maximum building height (BH) of 3 storeys (8.23m) ]*
- Application** : Proposed Temporary Public Vehicle Park (excluding container vehicles) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years 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 under the “V” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without a valid planning permission.
- 1.2 The Site is accessible from Hung Shui Kiu Tin Sam Road/Tin Ha Road via a local track and the ingress/egress point is at the eastern boundary of the Site (**Drawing A-1 and Plan A-2**). As shown on the layout plan at **Drawing A-2**, the Site will provide 21 private car parking spaces. No medium or heavy goods vehicles, including container tractors/trailers, are allowed to be parked at the Site. One 1-storey temporary structure (2.8m high) will be provided near the entrance for site office use. According to the applicant, no dismantling, maintenance, repairing, cleansing, paint spraying, or other workshop activities 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 Application Form with supplementary drawings (**Appendix I**) (received on 21.12.2021).

**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 a Column 2 use within the “V” zone, which requires permission from the Board. The applied use is to serve nearby residents to meet the genuine demand for vehicle park. 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 parking spaces will be rented to visitor on a monthly basis and 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 applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by Environmental Protection Department to minimize adverse environmental impact and nuisance to the surrounding area.
- (d) The applied use would not generate significant impact to the surrounding environment with a number of mitigation measures including submission of drainage and fire service installations proposals.

**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 Ha Tsuen 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 Applications**

The Site is not involved in any previous application.

**6. Similar Applications**

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-4)**

### **7.1 The Site is:**

- (a) accessible from Hung Shui Kiu Tin Sam Road and Tin Ha Road via a local track; and
- (b) fenced off and currently used for car parking purpose.

### **7.2 The surrounding areas have the following characteristics:**

- (a) to its immediate north, south, east and west are village houses. To its north-east are Tin Sum Tsuen Playground and a football field;
- (b) to its further north is an open storage yard of containers and vehicle park; and
- (c) to its west across the nullah is the railway track of MTR Tuen Ma Line.

## **8. Planning Intentions**

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 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**

### **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 Scheduled Agricultural Lots held under the Block Government Lease. There is no lease modification/land exchange application or building plan submission in relation to development at the application site approved/under processing.
- (b) 3 small house applications are under processing within the Site. As the application is only intended for a short period, he has no adverse comment on the application provided that no adverse comment from other departments/local/related parties is received.

- (c) The applicant should be reminded of the detailed comments in **Appendix III.**

### **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 vehicle is allowed to queue back to or reverse onto/from the public road.
- (c) The applicant should be reminded of the detailed comments in **Appendix III.**

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

- (a) Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains.
- (b) The access road connecting the Site and Tin Ha Road is not and will not be maintained by his Office. His Office should not be responsible for maintaining any access connecting the Site with Tin Ha Road.

### **Environment**

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

Should the application be approved, the applicant should be 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) He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest that 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 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 for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **Appendix III**.

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

### **District Officer's Comments**

#### 9.1.8 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 the locals on the application.

9.2 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) and Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) have no objection to the application.

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

On 28.12.2021, 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 (**Appendices II-1 and II-2**). One commenter objects to the application on the grounds that the proposed development will increase traffic flow and cause traffic congestion, generate environmental nuisances, and pose fire safety hazards to the villagers. The other commenter opines that more recreational and community facilities instead of parking facilities should be provided.

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

11.1 The application is for proposed 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. 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 3 Small House applications within the Site are under processing, but he has no adverse comment on the temporary use of the Site for a period of 5 years. 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 5 years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 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**).
- 11.3 Concerned government departments including DEP, C for T, D of FS and CE/MN of DSD 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 12.2 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.
- 11.4 There is no previous application at the Site or similar application within the same “V” zone.
- 11.5 There are 2 public comments received during the public inspection period objecting to and providing views on the application as stated 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 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 5 years until **18.2.2027**. 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) 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 **18.8.2022**;
- (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 **18.11.2022**;
- (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 **18.8.2022**;
- (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 **18.11.2022**;
- (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 III**.

- 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**

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| <b>Appendix I</b>               | Application Form received on 21.12.2021 |
| <b>Appendices II-1 and II-2</b> | Public Comments                         |
| <b>Appendix III</b>             | Advisory Clauses                        |
| <b>Drawing A-1</b>              | Location Plan                           |
| <b>Drawing A-2</b>              | Layout Plan                             |
| <b>Plan A-1</b>                 | Location Plan                           |
| <b>Plan A-2</b>                 | Site Plan                               |
| <b>Plan A-3</b>                 | Aerial Photo                            |
| <b>Plan A-4</b>                 | Site Photos                             |

**PLANNING DEPARTMENT  
FEBRUARY 2022**