

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/359

- Applicant** : Mr TANG Yau Tak (鄧有德) represented by Miss HUI Hang Yu (許幸如)
- Site** : Lots 1111 (Part), 1112 (Part), 1113 RP (Part), 1116 RP (Part) and 1117 S.A in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 1,356m² (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”)
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years and filling 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), which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and partly used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from San Sik Road via a local track (**Plans A-2 and A-3**) with the ingress/egress point at the eastern side of the Site (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, 30 private car parking spaces are provided along with a manoeuvring circle of 12m in diameter. A temporary structure (1-storey; 3m high) for guard room with a floor area of 8 m² is proposed at the north of the Site. Land filling is also proposed at the southern portion of the Site with an area of about 545 m² and a depth of about 1m to effect the applied use. According to the applicant, no vehicle without valid license under the Road Traffic Ordinance is allowed to be parked on the Site. The applied use would be operated 24 hours, seven days a week.

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

- (a) Application Form received on 24.1.2022 with annex and drawings (Appendix I)
- (b) Supplementary Information (SI) received on 27.1.2022 (Appendix Ia)
- (c) SI received on 28.1.2022 (Appendix Ib)
- (d) Further Information (FI) received on 3.3.2022 (Appendix Ic)
[exempted from publication and recounting requirements]

1.4 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 18.3.2022 for consideration of the application has been rescheduled, and the Board agreed to defer consideration of this application. The application is now scheduled for consideration by the Rural and New Town Planning Committee (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 intended to serve the villagers of Tseung Kong Wai and Sik Kong Wai. It will help reduce haphazard parking in the villages and improve the local traffic safety.
- (b) Two similar applications for temporary public vehicle parks within the subject “V” zone (No. A/YL-HT/719 and A/HSK/226) were approved by the Board.
- (c) Only vehicles registered under the “Road Traffic Ordinance” would be allowed to park in the Site. No storage of combustible goods and no workshop activities including repairing, paint-spraying, cleansing and dismantling of cars would be allowed on the Site. The environmental impact from the applied use would be insignificant.
- (d) Low traffic impact is anticipated as the applied use serves primarily the local villagers and no vehicle would be reverted back to public road with the manoeuvring circle provided within the Site.
- (e) The proposed landfilling would reduce the water logging at the Site during heavy rain. The applicant pledges to provide good management to the Site to avoid mosquito and dumping/littering problems. The applied use would be compatible with the surrounding areas.
- (f) The applied use will put rural land resource under good management and government regulation with environmental improvement. It is temporary in nature and easy to reinstate.

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 Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The southern part of the Site is currently subject to an on-going planning enforcement case (No. E/YL-HSK/85) against unauthorised development (UD) involving filling of land (**Plan A-2**). Enforcement Notice and Reinstatement Notice were issued on 6.1.2022 and 21.1.2022 respectively to the concerned parties requiring discontinuation of the UD and the reinstatement of the concerned areas.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

There are 7 similar applications (No. A/HSK/20, 76, 80, 169, 191, 226 and 324) for various temporary vehicle park within the same "V" zone on the OZP in the past 5 years. All these similar applications were approved with conditions by the Committee 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. Among these approved applications, 4 permissions were subsequently revoked due to non-compliance with time-limited approval conditions. 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 San Sik Road via a local track.; and
- (b) currently partly used for the applied use without valid planning permission and partly vacant.

7.2 The surrounding areas have the following characteristics:

- (a) to its northwest and northeast are residential dwellings of Tseung Kong Wai and Sik Kong Wai, an open storage yard of miscellaneous goods, 2 real estate agencies (both under valid planning permissions) and some unused land;
- (b) to its southeast and south are some residential dwellings. Further south are 5 open storage yards of construction materials, containers and marble and a storage facility, a timber workshop and some parking of vehicles, which are suspected UD, intermixed with pieces of agricultural and vacant land; and
- (c) to its west are agricultural and vacant land. Further west is an open storage yard of construction machinery and materials under valid planning permission.

8. Planning Intention

The planning intention of the “V” zone is primarily to designate both existing recognised 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 infrastructures and services.

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 advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 8.2.2022, 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 (**Appendices V-1 to 2**) objecting to the application on the grounds that the applied use will increase traffic flow and cause traffic congestion, generate environmental nuisances and pose fire safety hazards to the villagers; and the car parking space should be provided by individual village house development and approval of parking uses in the “V” zone has stifled any incentive to make more efficient and good use of scarce land resources.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park for a period of 3 years and land filling at a site zoned “V” on the approved HSK and HT OZP. The planning intention of “V” zone is primarily for development of Small House (SH) by indigenous villagers. Whilst the applied use is not entirely in line with the planning intention of “V” zone, the proposed use can meet the parking demand in the vicinity of the Site. In this regard, the Commissioner for Transport supports the application. The District Lands Officer/Yuen Long, Lands Department has no objection to the proposed development and advises that one SH application within the Site is under processing. As the SH application is located at the southern part of the Site, the applicant will be advised to resolve any land issues with the concerned owner(s) of the Site in the Recommended Advisory Clauses (**Appendix IV**). Approval of the application on a temporary basis of 3 years would not frustrate the long-term planning intention of the “V” zone. According to the applicant, the proposed land filling is to prevent water logging. It is not considered excessive and the Chief Engineer/Mainland North, Drainage Services Department has no in-principle objection to the application from a drainage point of view.
- 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 and open storage yards (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments, including DEP, CHE/NTW of HyD, D of FS and CE/MN of DSD on the application.

The applied use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts to the surrounding area. 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 While there is no previous application at the Site, there are 7 similar approvals for public vehicle park within the same "V" zone on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee's previous decisions.
- 11.5 Two public comments objecting to the application were received during the 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 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 **1.6.2025**. 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, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (b) the submission of a road connection and run-in/out proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by **1.12.2022**;
- (c) in relation to (b) above, the implementation of the road connection and run-in/out proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by **1.3.2023**;
- (d) 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 **1.12.2022**;
- (e) in relation to (d) above, the implementation of 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 **1.3.2023**;

- (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 **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **1.12.2022**;
- (h) in relation to (g) 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 **1.3.2023**;
- (i) if any of the above planning condition (a) 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 condition (b), (c), (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 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

Appendix I	Application Form received on 24.1.2022
Appendix Ia	SI received on 27.1.2022
Appendix Ib	SI received on 28.1.2022
Appendix Ic	FI received on 3.3.2022

Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to 2	Public Comments
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**