

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/371**

- Applicant** : Mr Wong Tak Hong represented by Metro Planning and Development Company Limited
- Site** : Lots 826 S.A(Part), 828, 839(Part) and 840(Part) in D.D.125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : about 5,190m<sup>2</sup> (including GL of about 1,080m<sup>2</sup> or 20.8% )
- 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
- Zonings** : (i) “Residential (Group A)3” (“R(A)2”) (about 77%); and  
*[Restricted to maximum plot ratio of 5.5 and maximum building height of 140mPD]*  
(ii) “Open Space” (“O”) (about 23%)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park for private cars, light goods vehicles (LGVs), heavy goods vehicles (HGVs) and container trailers for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area straddling “R(A)3” (about 77%) and “O” (about 23%) zones on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within these zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use with valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Ping Ha Road via a local track and the ingress/egress point is located at the north-eastern boundary of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the layout plan (**Drawing A-2**), 4 one- or two-storey temporary structures with a total floor area of about 134m<sup>2</sup> (3m or 5.5m high) are

proposed for site office, guardroom and/or storage at the northern part of the Site. The remaining area is for parking of 68 private cars, 6 LGVs (7m x 3.5m), 35 HGVs (11m x 3.5m) and 6 container trailers (16m x 3.5m). According to the applicant, the operation hours are from 7:00 am to 11:00 pm daily. The as-built drainage plan is at **Drawing A-3**.

- 1.3 The Site is involved in 9 previous applications (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the Application Form (received on 25.4.2022) with annex and drawings (**Appendix I**).

## **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 current application is for renewal of a previous approved application No. A/HSK/154. All conditions of that approval have been complied with. Sympathetic consideration should be given to the current application.
- (b) The applied use is temporary in nature and will not jeopardize the long-term planning intention of the zoned uses. The Site falls within the Hung Shui Kiu and Ha Tsuen New Development Area (HSK/HT NDA). Existing operations should be given sympathetic consideration until the Site is required for implementation of the NDA.
- (c) The development is compatible with its surrounding areas which are of similar port back-up uses.
- (d) Low environmental impact is anticipated with no operation at night time. The drainage impact would be insignificant with provision of surface U-channel within the Site.
- (e) There is genuine demand for container trailer parking spaces in the area as many drivers live in Tin Shui Wai.

## **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 relevant rural committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements are not applicable to the GL portion.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

## 5. **Background**

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

## 6. **Previous Applications**

6.1 The Site is involved in 9 previous applications (No. A/YL-HT/168, 220, 247, 333, 476, 661, 847, 1024 and No. A/HSK/154) for temporary public vehicle park use. 7 of these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2002 and 2019 on the considerations that approval of the applications on temporary basis would not jeopardise the long-term planning intention of the area; the applied use was not incompatible with the surrounding areas; and there were no major adverse comments from concerned government departments. 2 earlier previous applications (No. A/YL-HT/168 and 220) were rejected in 2000 and 2001 respectively on the ground that there was insufficient information to demonstrate that the proposed developments would not have adverse impacts on the surrounding areas and/or that a proper vehicular access for the Site would be provided. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 The last application No. A/HSK/154, which was submitted by the same applicant for the same applied use at the same site, was approved with conditions by the Committee on 5.7.2019 for a period of 3 years with validity up to 5.7.2022. All the approval conditions have been complied with. The layout and development parameters of the current application are same as the last planning approval. The current application is a renewal application.

## 7. **Similar Applications**

There are 5 similar applications (No. A/HSK/24, 53, 56, 286 and 302) for various temporary public vehicle park or container vehicle park use partly within the same “R(A)3” and “O” zones in the last 5 years, which were approved with conditions by the Committee based on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Ping Ha Road via a local track; and
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its northwest are a vehicle service centre under valid planning permission, an open storage yard of trailers, a parking yard of trucks and a few temporary structures for car servicing (all 3 above being suspected unauthorized development (UD)), a vacant site and a piece of woodland;
- (b) to its northeast and east is Tin Ying Road; and
- (c) to its south and southwest are an open storage yard of vehicles and a vehicle workshop under valid planning permissions, a piece of woodland and a logistics

centre which is a suspected UD.

## **9. Planning Intentions**

- 9.1 The planning intention of the “R(A)3” zone is primarily for high-density residential developments.
- 9.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

All 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 IV** and **V** respectively.

## **11. Public Comment Received During the Statutory Publication Period**

On 3.5.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on the grounds that the proposed development will increase traffic flow, cause traffic congestion and environmental nuisance, and pose fire safety hazard to the villagers.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary public vehicle park for private cars, LGVs, HGVs and container trailers for a period of 3 years at the Site zoned “R(A)3” (about 77%) and “O” (about 23%) on the OZP. The planning intention of “R(A)3” zone is primarily for high-density residential developments, whereas that of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses. Whilst the applied use is not in line with the planning intentions of the “R(A)3” and “O” zones, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) and the Director of Leisure and Cultural Services (DLCS) have no objection to the temporary use for a period of 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.
- 12.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, vehicle service workshops, logistics centres and parking of vehicles (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/154) for a period of 3 years. There has been no major change in planning circumstances of the Site and the surrounding areas since the last approval. The approval of the application on a temporary basis would not jeopardise the implementation of the zoned uses, and all the approval conditions under the last approved application have been complied with. Compared with the last approved

application, the current application is submitted by the same applicant for the same use at the same site for the same approval period and the development parameters and the layout remain unchanged. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34D.

- 12.4 There is no adverse comment from concerned government departments. It is anticipated that no significant adverse traffic, environmental, drainage and fire safety impacts would be generated from the applied use. To address the concern on the possible environmental nuisance or the technical requirements of the other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised 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 latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental impacts on the surrounding areas.
- 12.5 In addition to 7 previous planning approvals at the Site for temporary public vehicle park (**Plan A-1b**), there are 5 similar approvals for temporary vehicle park within the same "R(A)3" and "O" zones on the OZP (**Plan A-1a**). Approval of the subject application is generally in line with the Committee's previous decisions.
- 12.6 One public comment objecting to the application was received during the statutory publication period as summarised in paragraph 11. 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 comment mentioned in paragraph 11, the Planning Department considers that the temporary public vehicle park for private cars, LGVs, HGVs and container trailers could be tolerated for a further period of 3 years.
- 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 and be renewed **from 6.7.2022 to 5.7.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) the existing drainage facilities on the Site should be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.10.2022**;
- (c) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.1.2023**;
- (d) in relation to (c) above, the implementation of the fire service installations

proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.4.2023**;

- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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.

*[Conditions (a) to (f) are all the same as the previous Application No. A/HSK/154; while conditions on restrictions on operation hours, prevention of vehicle storage and queuing back to the public road, maintenance of existing vegetation on site and reinstatement upon expiry of planning permission have been removed as per the latest requirements.]*

#### 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 intentions of the "R(A)3" and "O" zones which are intended primarily for high-density residential developments and for provision of outdoor open-air public space for active and/or passive recreational uses, respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 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.
- 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 25.4.2022
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments

<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<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 to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**