

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/383

- Applicant** : Mr TANG Yau Tak (鄧有德) represented by Miss HUI Hang Yu (許幸如)
- Site** : Lot 13 S.A RP (Part) in D.D. 124 and Lots 1558 RP (Part) and 1560 RP (Part) in D.D. 125, Hung Shui Kiu, Yuen Long
- Site Area** : 421m² (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** : (i) “Village Type Development” (“V”) (about 57.2%)
[Restricted to maximum building height (BH) of 3 storeys (8.23m)]
(ii) Area shown as ‘Road’ (about 42.8%)
- Application** : Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area partly zoned “V” (57.2%) and partly shown as ‘Road’ (42.8%) on the OZP. According to the Notes of the OZP, public vehicle park (excluding container vehicle) is a Column 2 use under “V” zone which requires planning permission from the Town Planning Board (the Board). In any area shown as ‘Road’ on the OZP, all uses or development require planning permission from the Board. The Site is currently paved and largely vacant (**Plan A-4**).
- 1.2 The Site is accessible from Ha Tsuen Road with the ingress/egress points at the southern side of the Site (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, 7 private car parking spaces (5m x 2.5m each) will be provided. The applied use would be operated 24 hours, seven days a week.
- 1.3 In support of the application, the applicant has submitted the Application Form (received on 20.6.2022) with supporting information (**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 applied use is a Column 2 use in “V” zone and it is intended to serve the villagers of Ha Tsuen. It will help reduce haphazard parking in the village and improve the local traffic safety.
- (b) Three similar applications for temporary public vehicle park use within the subject “V” zone 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) The Site is accessible from Ha Tsuen Road. Low traffic impact is anticipated as the applied use serves primarily the local villagers and the traffic flow generated will be limited. No vehicle would be reverted back to public road. With adequate parking spaces and manoeuvring space provided within the Site, the applied use will not cause significant traffic impact.
- (e) 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 Site is currently subject to an on-going planning enforcement case (No. E/YL-HSK/72) against unauthorised development (UD) involving parking of vehicles. Enforcement Notice (EN) was issued on 28.6.2021 to the concerned parties requiring discontinuation of the UD. As the UD has not been discontinued after expiry of the EN, prosecution may be instituted.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

There are 8 similar applications (No. A/HSK/20, 76, 80, 169, 191, 226, 324 and 359) for various temporary public vehicle park use 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 Ha Tsuen Road; and
- (b) currently paved and largely vacant.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are a cluster of village houses of San Uk Tsuen. Amongst them, there are an open storage yard, a storage facility and a vehicle workshop, which are all suspected unauthorized development (UD). Further northwest are a storage facility, a shop (sale of auto audio system) and a logistics centre which are all suspected UD's and a residential dwelling;
- (b) to its east and southeast are 2 vehicle workshops and 2 open storage yards of construction materials and containers;
- (c) to its south and southwest across Ha Tsuen Road are a car services (car wash) under valid planning permission, and 2 open storage yards of heavy vehicles, 2 vehicle workshops, a storage facility and a warehouse, which are suspected UD's. Further south are a shrine and a car services establishment and some parking of heavy vehicles; and
- (d) to its west across Ha Tsuen Road are a restaurant and a warehouse, both are suspected UD's. Further southwest is a logistics centre which is also a suspected UD.

8. Planning Intention

The planning intention of the “V” zone is 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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.

9.2 The following government department supports the application:

Traffic

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

- (a) he supports the application from traffic perspective to meet the public demand on parking spaces; and
- (b) the applicant should note his advisory comments in the Recommended Advisory Clauses in **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 28.6.2022, 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 V-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; adversely affect their living quality and the applied use continued at the Site without valid planning permission.

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park for a period of 3 years at a site partly zoned “V” (about 57.2%) and partly shown as ‘Road’ (about 42.8%) on the OZP. The planning intention of “V” zone is primarily for development of 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 from traffic perspective. The District Lands Officer/Yuen Long, Lands Department has no objection to the proposed development and advises that there is currently no SH application approved/under processing at the Site. While the Site falls within an area under Second Phase development of Hung Shui Kiu/Ha Tsuen New Development Area, the Project Manager (West), Civil Engineering and Development Department has no objection to the application. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site.

11.2 The Site is located at the fringe of San Uk Tsuen and its surrounding areas are predominated by village houses intermixed with some storage and workshop uses. The applied use is considered not incompatible with the surrounding land uses (**Plan A-2**).

- 11.3 There is no adverse comment from the concerned government departments, including Director of Environmental Protection, Chief Highway Engineering/New Territories West of Highways Department, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department 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.
- 11.4 While there is no previous application at the Site, there are 8 similar approvals for public vehicle park use 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 **12.8.2025**. 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 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 **12.2.2023**;
- (c) in relation to (b) 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 **12.5.2023**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 **12.2.2023**;
- (f) in relation to (e) 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

12.5.2023;

- (g) if any of the above planning condition (a) or (d) 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
- (h) if any of the above planning condition (b), (c), (e) or (f) 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 20.6.2022
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-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
AUGUST 2022**