

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/386

- Applicant** : Ms WONG Lai Kam (黃麗琴) represented by Metro Planning & Development Company Limited
- Site** : Lot 1007 RP (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, N.T.
- Site Area** : 1,880m² (about) (including GL of 1,160m² or 61.7%)
- 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”)
[Restricted to maximum building height (BH) of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Car and Light Goods Vehicle (LGV)) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private car and LGV) for a period of 3 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), which is a Column 2 use, requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission¹ (**Plan A-4**).
- 1.2 The Site is accessible to Ha Mei Road (**Plans A-2 and A-3**) with the ingress/egress points at the south-western boundaries of the Site (**Plan A-2**). As shown on the proposed layout plan at **Drawing A-1**, 34 private car parking spaces and 12 LGV parking spaces are provided. A temporary structure (2-storey; not exceeding 6m high) for guard room with a gross floor area (GFA) of not more than 40m² is proposed at the south-western part of the Site. The applied use would be operated 24 hours, seven days a week. The proposed layout plan, proposed landscape and tree preservation plan, and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

¹ The previous planning permission lapsed on 2.8.2022.

- 1.3 The Site is involved in 3 previous planning applications (details at paragraph 5 below).
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/169) (a)	Current Application (A/HSK/386) (b)	Difference (b) - (a)
Applied Use	Temporary public vehicle park (private car and LGV) (3 years)		--
Site Area	About 1,880m ²		no change
No. of Structure	1 (guard room)	1 (guard room)	no change
Total GFA	20m ²	40m ²	+20m ² (+100%)
Height of Structures	1 storey (not exceeding 3.5m)	2 storeys (not exceeding 6m)	+1 (+100%)
Number of Parking Spaces	26 for private cars; 10 for LGVs	34 for private cars; 12 for LGVs	+8 for private cars; +2 for LGVs
Operation Hours	24 hours daily (Mondays to Sundays including public holidays)		--

- 1.5 In support of the application, the applicant has submitted an Application Form received on 24.6.2022 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:

- The applied use is intended to cater for the parking need of the nearby villagers. The applied use on a temporary basis will not jeopardise the long term planning intention of the “V” zone.
- The Site is subject of two previous planning permissions since 2017. All planning conditions imposed to the last planning permission have been complied with.
- Two similar applications for temporary public vehicle parks (No. A/HSK/80 and 308) were approved by the Board.
- The environmental impact from the applied use would be insignificant. Minimal traffic impact is anticipated. Insignificant drainage impact will be resulted.
- The applied use is compatible with the operations in the vicinity.

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. The "Owner's Consent/Notification" Requirements under TPB PG-No.31A are not applicable to the GL portion.

4. Background

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

5. Previous Application

5.1 The Site is involved in 3 previous applications. Application No. A/YL-HT/895 involved a much larger site for temporary "Tai Ping Ching Chiu and Thanksgiving Activities" was not relevant to the subject application. Applications No. A/HSK/20 and 169 for public vehicle park uses were approved with conditions by the Committee in 2017 and 2019 on the considerations that no major adverse comments from concerned government departments and relevant approval conditions were recommended to address the technical requirements of concerned government departments; the applied use was not incompatible with the surrounding areas; and approval of the applications was in line with the Committee's previous decisions. However, planning permission under Application No. A/HSK/20 was subsequently revoked due to non-compliance with the time-limited approval conditions. Details of these applications are summarized at **Appendix II** and their location is shown on **Plan A-1a**.

5.2 The last application (No. A/HSK/169) for the same applied use as the current application submitted by the same applicant was approved with conditions by the Committee for a period of 3 years on 2.8.2019 with validity up to 2.8.2022. All the time-limited approval conditions have been complied with. Compared with the last application, the current application has a different layout with additional parking spaces proposed.

6. Similar Applications

6.1 There are 6 similar applications (No. A/HSK/76, 80, 191, 226, 324 and 359) for temporary public vehicle park uses within the same "V" zone on the OZP in the past 5 years. All applications were approved with conditions by the Committee between 2018 to 2022 on similar considerations as mentioned in paragraph 5.1 above. However, 3 earlier planning permissions (No. A/HSK/76, 80 and 191) were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1a**.

6.2 A similar application (No. A/HSK/383) for temporary public vehicle park (excluding container vehicle) within the same "V" zone on the OZP is scheduled for consideration by the Committee at this meeting (**Plan A-1a**).

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

7.1 The Site is:

- (a) accessible from Ha Mei Road via a vehicular track; and

- (b) fenced, hard-paved and currently used for the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and northeast are an eating place and Ha Tsuen Soccer Pitch;
- (b) to its immediate east is Ha Tsuen Rural Committee building;
- (c) to its south are a public toilet and a nullah, and to its further south across the nullah are some residential dwellings namely Greenlake Garden; and
- (d) to its west across Ha Mei Road are some parking of vehicles, a shrine, a playground with basketball court and clusters of village houses of Sik Kong Tsuen.

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 (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 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 engineering 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 Comment Received During Statutory Publication Period

On 5.7.2022, 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 (**Appendix V**). An individual objects 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. The other individual expresses concerns about the extensive area of land used for parking of vehicles.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private car and LGV) for a period of 3 years at the site zoned “V” on the approved HSK and HT 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, C for T supports the application from traffic engineering perspective to meet the public demand on parking spaces. 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 or under processing at the Site. Approval of the application on a temporary basis of 3 years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is located at the fringe of Sik Kong Tsuen and its surrounding areas are predominated by village houses and public recreational facilities. The applied use is considered not incompatible with the surrounding land uses (**Plan A-2**).
- 11.3 There is no adverse comment from 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 The Site is involved in 3 previous applications which were all approved by the Committee. There are also 6 similar approvals for various temporary public vehicle park uses within the same “V” zone on the OZP (**Plan A-1a**). Approval of the subject application is generally in line with the Committee’s previous decisions.
- 11.5 Two public comments objecting to/expressing concerns on 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) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **12.11.2022**;
- (c) 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**;
- (d) in relation to (c) 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**;
- (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.

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 24.6.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape and Tree Preservation Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**