

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/394

- Applicant** : Ka Long Consultant Engineering Ltd. represented by Mr. WONG Sun Wo William
- Site** : Lots 1813 RP (Part), 1814 (Part) and 1815 (Part) in D.D. 124, San Lee Uk Tsuen, Tin Ha Road, Yuen Long, New Territories,.
- Site Area** : 342m² (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** : (i) “Open Space” (“O”) (about 9.6%); and
(ii) Area shown as ‘Road’ (about 90.4%).
- Application** : Proposed Temporary Public Vehicle Park (Private Car) with Ancillary Office for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private car) with ancillary office for a period of 5 years at the application site (the Site) (**Plan A-1**). The Site falls within an area partly zoned “O” (about 9.6%) and mainly shown as ‘Road’ on the OZP. According to the Notes of the OZP, public vehicle park (excluding container vehicle), is a Column 2 use under “O” zone, which requires planning permission from the Town Planning Board (the Board). In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently vacant with a converted container (**Plans A-4 and A-4b**).
- 1.2 The Site is accessible from Tin Ha Road via a local track (**Plans A-2 and A-3**) with the ingress/egress point at the northern boundaries of the Site. As shown on the proposed layout plan at **Drawing A-1**, 12 private car parking spaces will be provided. An office with a floor area of about 18m² and a mobile toilet with a total floor area of 2m² (single storey; not exceeding 3.5m high) are proposed at the Site. The applied use would be operated 24 hours daily. The proposed layout plan and

drainage plan submitted by the applicant are at **Drawings A-1 to A-2** respectively.

- 1.3 The Site is involved in 2 previous planning applications (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted an Application Form with plans received on 26.7.2022 (**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 intended to cater for the parking need of the nearby villagers. Only 12 parking spaces are provided for monthly rental purpose.
- (b) In view of the traffic flow with 10 cars/trips during the peak hours, traffic impact from the applied use would be insignificant.

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 not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in 2 previous applications. Application No. A/YL-PS/500 was for temporary public vehicle park (private cars and light goods vehicles), whereas Application No. A/HSK/278 was for temporary shop and services (pet goods and food) with ancillary pet garden, both covering a much larger site. The last application for a different use is not relevant to the current application.
- 5.2 Application No. A/YL-PS/500 was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2016 on the considerations that the applied use would not jeopardise the long-term planning intention of the zoned uses; being not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. However, the planning permission 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-1**.

6. Similar Application

There is no similar application within the same “O” zone on the OZP.

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

7.1 The Site is:

- (a) currently vacant with a converted container; and
- (b) accessible from Tin Ha Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are some open storage yards and a site of parking vehicles which are suspected unauthorized developments (UDs);
- (b) to its east are storage yards, site office, parking lots, a food factory and vacant land;
- (c) to its south and southeast are some parking of vehicles and open storages yards which are suspected UD, and some residential dwellings of San Lee Uk Tsuen; and
- (d) to its west across the nullah are some open storage yards and workshops which are suspected UD, and a shop and services under valid planning permission; to its northwest across the nullah are the Tuen Ma Line and its emergency access point and an open storage which is suspected UD.

8. Planning Intention

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.

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 to meet the public demand on parking spaces from traffic engineering perspective; 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 2.8.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received (**Appendix V**) 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.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private car) with ancillary office for a period of 5 years at the site partly zoned “O” and partly shown as ‘Road’ on the OZP. Although the proposed use is not in line with the planning intention of “O” zone which 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, the Director of Leisure and Cultural Services (DLCS) has no objection to the proposed development and advises he has no plan to develop the Site into public open space at present. C for T supports the application from traffic engineering perspective as the proposed use can meet the public demand on parking spaces. Thus, approval of the application on a temporary basis of 5 years would not frustrate the long-term planning intention of the “O” zone. 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 implementation of government projects.
- 11.2 The applied use is not incompatible with the surrounding land uses which are predominantly used for open storage yards and parking of vehicles (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including Director of Environmental Protection, 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, 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 2 previous applications with one of them for the same use as the current application which was approved by the Committee (**Plan A-1**). Approval of the subject application is generally in line with the Committee’s previous decision.
- 11.5 One public comment objecting to the application was 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 comment 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 **23.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.3.2023**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.6.2023**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **23.3.2023**;
- (e) in relation to (d) 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 **23.6.2023**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 "O" zone, which 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. 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 with plans received on 27.7.2022
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**