

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/404

<u>Applicant</u>	: Mr. TANG Kam Chak represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 136 RP (Part) and 137 RP (Part) in D.D. 127 and Adjoining Government Land, Ping Shan, Yuen Long, New Territories
<u>Site Area</u>	: 1,160 m ² (about) (including GL of about 64m ² or 0.07%)
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
<u>Zoning</u>	: “Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the OZP. ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within “V” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kiu Hung Road (**Plans A-2 and A-3**) and the ingress/egress point is at the northeastern side of the Site. As shown on the submitted layout plan at **Drawing A-1**, 30 parking spaces for private car are provided. According to the applicant, the operation hours of the temporary public vehicle park are 24 hours daily including public holidays. The layout plan and drainage plan submitted by the applicant are shown on **Drawings A-1 and A-2** respectively.
- 1.3 The Site is involved in two previous planning applications (No. A/HSK/36 and 194) approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2018 and 2019 respectively (details at paragraph 6 below).

- 1.4 Compared with the last approved application (No. A/HSK/194), the current application is submitted by the same applicant at the same site with an increase in the number of parking spaces from 20 to 30 and the deletion of the temporary meter room. There is also a slightly adjustment on the access connecting to Kiu Hung Road (see **Plan A-2**).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and attachments received on 19.8.2022 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 24.8.2022 (**Appendix Ia**)
 - (c) Further Information (FI) received on 5.12.2022 (**Appendix Ib**)
[exempted from publication and recounting requirements]
- 1.6 At the request of the applicant, the Committee on 14.10.2022 agreed to defer a decision on the application for two months so as to allow time for the applicant to submit FI to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the application form, SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied development is in line with the planning intention of “V” zone which is primarily for the convenience of the villagers. There is insufficient supply of car parking spaces to meet the parking demand in Hung Uk Tsuen.
- (b) The Site is subject to two previous planning permissions with the same applied use since 2018. Only private cars will be parked at the Site. No workshop activity will be carried out and no vehicle without valid licences is allowed to park on the site.
- (c) Approvals have been given by the Board to similar applications in the same “V” zone.
- (d) Insignificant noise and environmental impacts will be created by the applied development.

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 Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPG PG-No.31A are not applicable to the GL portion.

4. Background

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate planning enforcement action would be undertaken.

5. Previous Applications

The Site is the subject of two previous applications (A/HSK/36 and 194) for the same applied use, which were approved with conditions by the Committee on 12.1.2018 and 13.12.2019 respectively on the considerations that the applied use would not jeopardise the long-term planning intention of the zoned use; being not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. However, planning permission No. A/HSK/36 was revoked on 12.2.2019 due to non-compliance of time-limited conditions, whereas all the time-limited conditions of planning permission No. A/HSK/194 have been complied with. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is a similar application No. A/HSK/352 for temporary public vehicle park for private car within the same “V” zone on the OZP. The application was approved with conditions by the Committee on 22.4.2022 on similar considerations as mentioned in paragraph 5 above. Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kiu Hung Road; and
- (b) currently used for parking of private cars without planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north is an orchard, a footpath and a local road. To the further north across the local road are carparks, the village settlement of Kiu Tau Wai, a pond and a stormwater pumping station;
- (b) to its east is Kiu Hung Road, a nullah and Light Rail track. To the further southeast across the nullah is a low-rise residential development, namely La Mansion;
- (c) to its south and southwest are agricultural land and the village settlement of Hung Uk Tsuen (the nearest residential dwelling is 9m away); and
- (d) to its immediate west is vacant land for a proposed public vehicle park under valid planning permission, a playground, shrine, some residential dwellings. To its further west and northwest are car service establishment and a retail

store.

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 House (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 All departments consulted have no objection to or no adverse comments 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 District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD) advises that his office has received an adverse comment from the village representatives of Kiu Tau Wai objecting the application as detailed in **Appendix III**.

10. Public Comment Received During Statutory Publication Period

On 30.8.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, twelve public comments were received (**Appendix V-1 to V-12**) objecting to the application. The grounds of objections are that the applied development would threaten the safety of pedestrians and nearby residents; create light, air and noise pollution to nearby residents; result in pedestrian-vehicular conflicts; disrupt the tranquillity of the rural environment and the daily activities of residents; and increase the opportunity of fire hazard, and the ingress/egress would block the drains and sand pit and lead to flooding.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars) for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not in line with the planning intention of the “V” zone, it could provide vehicle parking spaces to meet any such parking demand in the area. Besides, District Land Officer /Yuen Long, Lands Department advises that there is no SH application approved or under processing at the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site.
- 11.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by agricultural land, orchard and residential dwellings (**Plan A-2**).
- 11.3 Relevant Government departments, including Director of Environmental Protection (DEP) and Chief Engineer/Mainland North, Drainage Services Department have no objection to or no adverse comment on the application. DEP advises that there is

no substantiated environmental complaint pertaining to the Site during the past three years. Commissioner for Transport supports the application from traffic engineering perspective for meeting the public demand on car parking spaces. The proposed use will unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the site will be subject to planning enforcement action. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.

- 11.4 The Site is subject of two previous planning permissions (No. A/HSK/36 and 194) for the same applied use which were granted in 2018 and 2019. The current application is submitted by the same applicant as the last approval, and all the time-limited conditions have been complied with. In this regards, sympathetic consideration may be given to this application. There is also a similar application within the same “V” zone on the OZP approved for the same applied use in April 2022. Approval of the current application is in line with the Committee’s previous decision.
- 11.5 There are twelve public comments received as summarised in paragraph 11 above. The planning assessments provided above in paragraphs 11.1 to 11.4 are relevant. On the public comment conveyed by DO/YL that the proposed use would increase traffic flow and affect the operation of the refuse collection point (RCP) of Kiu Tau Wai, and that the Site falls within the Fung Shui Area of Hung Uk Tsuen and Kiu Tau Wai, it is noted there are a few dumpsters placed near the Site instead of a RCP (Plan A-4) and C for T has no adverse comment on the access arrangement. DO/YL also has no comment on the proposed use from *fung shui* perspective.

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 in paragraph 10, the Planning Department has no objection to the proposed temporary public vehicle park (private cars only) for a period of three years.
- 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 three years until **3.2.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a condition record 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 **3.8.2023**;
- (b) in relation to (a) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;

- (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 **3.8.2023**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.11.2023**;
- (e) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by **3.8.2023**;
- (f) in relation to (e) above, the implementation of the 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 **3.11.2023**;
- (g) if the above planning condition (b) 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 (a), (c), (d), (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 intentions 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 and attachments received on 19.8.2022

Appendix Ia	SI received on 24.8.2022
Appendix Ib	FI received on 5.12.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2023**