

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/408

- Applicant** : TANG Yuk Kuen (鄧玉權) represented by HUI Kwan Yee (許軍兒)
- Site** : Lots 635 S.I(Part), 635 S.J(Part), 635 S.K(Part), 635 S.L(Part), 635 RP(Part), 637(Part) and 638 RP(Part) in D.D.125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 439.2m²
- 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 a maximum building height of 3 storeys (8.23m)]
- 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 three years at the application site (the Site) (**Plan A-1**). 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). The Site is currently used for parking of vehicles without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from San Sik Road via a local track and the ingress/egress point is at the south-eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, 13 parking spaces for private car and four single-storey temporary structures (open sheds) (about 2.4m to 3.4m high) with a total floor area of about 106m² would be provided (**Drawing A-2**). The public vehicle park would be operated 24 hours, seven days a week. Plans showing the vehicular access leading to the Site, parking layout and site layout submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with plans received on 31.8.2022 (Appendix I)
- (b) Supplementary Information (SI) received on 6.9.2022 (Appendix Ia)

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 summarised as follows:

There is shortage for parking spaces in the village. The public vehicle park is intended to serve local villagers and help reducing haphazard parking in the village and improving local traffic safety.

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 Ha Tsuen Rural Committee by registered post. 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/88) against an unauthorized development (UD) involving the use for place for parking of vehicles. Enforcement Notice (EN) was issued on 26.7.2022 to the concerned parties requiring the discontinuation of the UD.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

There are ten similar applications (No. A/HSK/20, 76, 80, 169, 191, 226, 324, 359, 383 and 386) for various temporary public vehicle park use within/straddling the subject “V” zone in the past five years. All these similar applications were approved with conditions by the Rural and New Town Planning Committee (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. Four planning permissions of these applications were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from San Sik Road via a local track; and
- (b) currently used for parking of vehicles without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are a warehouse, an open storage yard of construction materials and site for parking of vehicles which are suspected UD, some vacant temporary structures and residential dwellings. To its further north are some warehouses under valid planning permissions and an open storage yard which is a suspected UD;
- (b) to its east are some sites for parking of vehicles which are suspected UD and a sitting-out area;
- (c) to its south are residential dwellings of Tseung Kong Wai; and
- (d) to its west and southwest are some open storage yards, a car repair workshop and 2 storage facilities which are suspected UD. Further northwest are some open storage yards and warehouses which are suspected UD.

8. Planning Intention

The planning intention of the “V” zone is 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 of infrastructures and services.

9. Comments from Relevant Government Departments

9.1 Apart from the supporting comment 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) She supports the application from traffic perspective; and
- (b) the applicant should note her advisory comments in the Recommended Advisory Clauses in **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 9.9.2022, 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**) expressing concern on unauthorised parking of vehicles at the Site and in its vicinity.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (excluding container vehicle) for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of SH by indigenous villagers. Whilst the applied use is not entirely in line with the above planning intention, the applied use can meet the parking demand in the vicinity of the Site. The District Lands Officer/Yuen Long, Lands Department advises that no SH application within the Site has been approved. In this regard, 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 Tseung Kong Wai and its surrounding areas are predominated by village houses intermixed with open storage, warehouse and workshop uses, though some are suspected UD's subject to enforcement action. 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 on the surrounding area. C for T supports the application from traffic perspective. To address the technical requirements of the concerned 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 ten similar approvals for public vehicle park use within/straddling 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 Regarding the public comment expressing concern on unauthorised parking, the planning considerations and assessments in paragraphs 11.1 to 11.4 above 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 in paragraph 10 above, 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 three years until

28.10.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 **28.4.2023**;
- (b) in relation to (a) above, the implementation of the 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 **28.7.2023**;
- (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 **28.4.2023**;
- (e) in relation to (d) 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 **28.7.2023**;
- (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 "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 31.8.2022
Appendix Ia	SI received on 6.9.2022
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Parking Layout Plan
Drawing A-3	Site Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2022**