

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/419

- Applicant** : Ms. Leung Hung Tang
- Site** : Lots 2404 RP (Part) and 2405 RP (Part) in D.D. 124, Tin Sam Road, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 470 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group A) 4” (“R(A)4”)
[a maximum plot ratio of 5 and a maximum building height of 140mPD]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles for a further period of three years until 20.3.2026 at the application site (the Site) (**Plan A-1**). According to the Notes for the “R(A)” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission until 20.3.2023 under application No. A/HSK/208.
- 1.2 The Site is accessible from Hung Shui Kiu Tin Sam Road and the ingress/egress point is located at its west (**Plans A-1, A-2 and Drawing A-1**). A single-storey structure for switch room, with a total floor area of about 14.5 m² and height of about 2.2m, is proposed at the eastern part of the Site. 21 private car parking spaces and 2 light goods vehicles (LGVs) parking spaces are provided (**Drawing A-1**). According to the applicant, the operation hours of the public vehicle park are 24-hour daily, including public holidays.

- 1.3 The Site is the subject of three previous applications (No. A/YL-PS/12, A/HSK/54 and 208) (details at paragraph 6 below).
- 1.4 The major development parameters of the current application and the last previously approved application are summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/208) (a)	Current Application (A/HSK/419) (b)	Difference (b) - (a)
Applied Use	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years		same
Site Area	470 m ²		same
No. of Structures	1		same
Total Floor Area	14.5 m ²		same
Car Parking Spaces	21 (private car) 2 (LGVs)		same
Operation Hours	24 hours daily, including public holidays		same

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 19.10.2022 **(Appendix I)**
 - b) Supplementary Information (SI) received on 25.10.2022 **(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 (**Appendix I**). They can be summarised as follows:

- (a) The current proposal is the same as the last application (No. A/HSK/208) and all the time-limited approval conditions of the last application have been complied with.
- (b) The temporary use would not jeopardise the long-term planning intention for the Site.

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 notice and sending notice to Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site involves three previous applications (No. A/YL-PS/12, A/HSK/54 and 208). Details of the previous application are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.
- 6.2 Application No. A/YL-PS/12 for comprehensive development with minor relaxation of building height covering a much larger area (36,300m²) was approved with conditions on 8.8.1997 when the Site was zoned “Comprehensive Development Area” on the then Ping Shan OZP. However, the approved scheme had not been implemented and the planning permission lapsed on 9.8.2003.
- 6.3 Application No. A/HSK/54 and 208 for temporary public vehicle park were approved with conditions each for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2020 respectively mainly on the considerations that the proposals were not incompatible with the surrounding uses; the proposals would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. The former was subsequently revoked due to non-compliance of approval conditions while the latter was implemented, with all time-limited approval conditions complied with and the planning permission is valid until 20.3.2023.
- 6.4 Compared with the last application (A/HSK/208), the current application is submitted by the same applicant for the same use at the same site with the same development parameters and similar layout.

7. Similar Applications

There are five similar applications (No. A/HSK/2, 39, 209, 220 and 268) for various temporary vehicle park uses for a period of three years at sites within the current “R(A)4” zone on Hung Shui Kiu/ Ha Tsuen OZP. These applications were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.3 above. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

8. Planning Intention

The planning intention of the “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

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

9.1 The Site is:

- (a) accessible directly from Hung Shui Kiu Tin Sam Road (**Plan A-3**); and
- (b) paved, fenced off and used for the applied use with valid planning permission No. A/HSK/208 (**Plans A-2 to A-4**).

9.2 The surrounding areas have the following characteristics (Plans A-2 and A-3**):**

- (a) to the north across Hung Shui Kiu Tin Sam Road are the bus terminus and market of a public rental estate, Hung Fuk Estate;
- (b) to the east across Hung Tin Road is Hung Shui Kiu vegetable marketing co-operative society;
- (c) to the south are some parking of vehicles and storage use which are suspected unauthorized developments (UDs), to its further south are the MTR Hung Shui Kiu Bus Depot and light rail stop at Castle Peak Road – Hung Shui Kiu;
- (d) to its west and southwest are some parking of vehicles, workshop and shop uses which are suspected UD, except a site for parking of vehicles which is covered by a valid planning permission (No. A/HSK/220) (**Plan A-2**); and
- (e) there are residential structures in the south of the Site with the nearest one at about 47m.

10. Comments from Relevant Government Departments

All government 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 IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 2.9.2022, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising objection on the grounds that the applied use will generate environmental nuisances, pose fire safety hazards to the villagers and adversely affect their living quality (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles for a period of three years at the Site zoned “R(A)4” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “R(A)” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area is still being formulated. The Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) has no objection to the applied temporary use for three years on the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long term planning of the area. In addition, the applied use could also provide parking spaces to meet any such demand in the area. 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.
- 12.2 The Site is mainly surrounded by parking of vehicles, residential dwellings, MTR Hung Shui Kiu Bus Depot and roads (**Plan A-2**). The applied use is generally not incompatible with the surrounding land uses.
- 12.3 There is no adverse comment from concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.4 Two previous approvals for the same applied use at the Site have been granted and five similar applications within the subject “R(A)4” zone have been approved since 2017 (**Plan A-1**). The proposal under the current application is the same as that under the last previous application (No. A/HSK/208).
- 12.5 The application generally complies with TPB PG-No. 34D in that there has been no major material change in planning circumstances since the granting of the previous approval under application No. A/HSK/208; all approval conditions under this previous approval have been complied with; there is no advise departmental comments in the renewal application; and the three-year approval period sought is the same as the previous approval and is considered reasonable.
- 12.6 There is a public comment received, raising objection to the application as summarised in paragraph 11 above. The planning assessments in paragraphs 12.1 to 12.4 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the temporary public vehicle park for private cars and light goods vehicles for a further period of three years.

- 13.2 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 and be renewed from 21.3.2023 to 20.3.2026. 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.6.2023;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if the above planning condition (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[Approval condition (a) is the same as that under the permission for application No. A/HSK/208 while the previous conditions on the submission and implementation of drainage proposal and fire service installations proposal are replaced by conditions (b) and (c) according to the latest comments from CE/MN, DSD and D of FS; restrictions on operation hours, specific activities and vehicle types have been removed as per the department's latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

- 13.3 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 "R(A)4" zone which is primarily for high-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 19.10.2022
Appendix Ia	SI received on 25.10.2022
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**