

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/426

- Applicant** : China Royal Investment Limited represented by R-riches Property Consultants Limited
- Site** : Lots 1547 RP (Part), 1548 S.A (Part), 1548 S.B RP(Part), 1566, 1567, 1568 (Part), 1569, 1573, 1574, 1575, 1576 (Part), 1580, 1581, 1582 (Part), 1593, 1594, 1595, 1596 (Part), 1597 (Part), 1598 (Part), 1599 (Part) and 1600 (Part) in D.D. 124, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 29,445m²
- 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) “Residential (Group A) 2” (“R(A)2”) (about 85.9%);
[Restricted to a maximum plot ratio of 6 and a maximum building heights of 160 and 180mPD]
(ii) “Open Space” (“O”) (about 13.6%); and
(iii) area shown as ‘Road’ (about 0.5%)¹
- Application** : Proposed Temporary Public Vehicle Park (Heavy Goods Vehicle and Container Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (heavy goods vehicle (HGV) and container vehicle (CV)) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within areas zoned mainly “R(A)2” (about 85.9%) and partly “O” (about 13.6%) on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board). The Site is mostly vacant with some construction materials and machineries deposited at its southern portion without planning permission.

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

- 1.2 The Site is accessible from Yick Yuen Road via a local track and the ingress/egress point is at the southern boundary of the Site (**Drawing A-1 and Plan A-2**). As shown on the layout plan in **Drawing A-2**, the Site will provide 317 parking spaces for HGVs (287 parking spaces) and CVs (30 parking spaces). A single-storey temporary structure (floor area of 18m², 3m high) will be provided near the entrance of the Site for caretaker office and washroom uses. The proposed operation hours are 24-hour daily (including public holidays).
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and Planning Statement received (b) Further Information (FI) received on 7.2.2023
on 30.11.2022 (Appendix I) (Appendix Ia)
[exempted from publication and recounting requirements]
- 1.4 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) of the Board on 13.1.2023 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 Planning Statement and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The Site is located to the east of the Kong Sham Western Highway, which is an ideal location to support the logistics industry and in accordance with the concept of ‘east in east out, west in west out’ for cross-boundary goods movement. Majority of the proposed parking spaces would be reserved for cross-boundary commercial vehicles, and the remaining spaces would be reserved for local commercial vehicles.
- (b) The proposed use on a temporary basis will not frustrate the long-term planning intention of the area. It will help alleviate the shortage of parking spaces for commercial vehicles.
- (c) The Site will not allow parking of vehicles conveying Liquefied Petroleum Gas (LPG) like LPG wagons / vehicles and / or other Dangerous Goods Vehicles. The proposed use is not incompatible with the surroundings and would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding environment with a number of mitigation measures including submission of drainage and fire service installations proposals.
- (d) No old and valuable tree or protected species are found on 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 site notice and sending the 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 not subject to any active planning enforcement action.

5. Previous Application

A small part of the Site is the subject of a previous application (A/YL-PS/348) for filling of land for permitted plant nursery and ancillary track for agricultural vehicles rejected by the Committee on 18.11.2011 which is not relevant to the current application. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the same "R(A)2" and "O" zones on the OZP.

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

7.1 The Site is:

- (a) accessible from Yick Yuen Road via a local track;
- (b) mostly vacant and partly covered with vegetation including some trees in its southeastern and southwestern parts; and
- (c) some construction materials and machineries are deposited at its southern part without planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north, northeast, east and southeast are agricultural and vacant land intermixed with some residential dwellings (the nearest residential dwelling is 6m away in the north). Further southeast is an open storage yard under valid planning permission and a site for parking of vehicles which is suspected unauthorized development (UD);
- (b) to its south and northwest are some vacant land, unused land, and some open storage yards which are suspected UD's; and
- (c) to its west across Kong Sham Western Highway are some unused land.

8. Planning Intentions

8.1 The planning intention of the "R(A)" zone is 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.

- 8.2 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

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.

10. Public Comment Received During Statutory Publication Period

On 14.12.2022, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. One of them objected to the application on the grounds that the proposed use would generate extra traffic, environmental nuisances, pose fire safety hazards to the villagers and adversely affect their living quality; while the other supported the application on the grounds that there was a lack of parking spaces for HGVs and CVs which would lead to illegal parking on public roads (**Appendices V-1 and V-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (HGV and CV) for a period of three years at the Site which is mainly zoned “R(A)2” and partly “O” on the OZP. According to the submitted scheme, the proposed use is public vehicle park mainly for parking of HGVs (about 82% of the Site) with a small portion at the eastern part for parking of CVs (about 18% of the Site), both of which are primarily to support cross-boundary trade. Whilst the proposed use is not in line with the planning intentions of “R(A)” and “O” zones, it could help meet the demand for parking facilities for commercial vehicles supporting cross-boundary trade, especially taking into account that the Site is located close to Kong Sham Western Highway. Moreover, the Site is covered by the Second Phase Development of the Hung Shui Kiu / Ha Tsuen New Development Area (HSK/HT NDA)² for which the detailed implementation programme is still being formulated. The Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services have no objection to the proposed temporary use at the Site. In this regard, taking into account the above, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. 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 the implementation of government projects.

² According to Lands Department, resumption of the land in the Second Phase Development will commence from mid-2024 onwards for implementation of the HSK/HT NDA project.

- 11.2 The proposed use is considered not entirely incompatible with the surrounding areas which are predominantly agricultural and vacant land and open storage yards intermixed with some residential dwellings (**Plan A-2**).
- 11.3 There are no adverse comments from relevant government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services and Director of Fire Services. The proposed use will unlikely create significant adverse traffic, environmental, drainage and fire safety concern on the surrounding areas. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions have been recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD 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 Two public comments were received during the public inspection period including one public comment objecting to the application as stated in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary public vehicle park (heavy goods vehicle and container vehicle) could be tolerated 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 **17.3.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a drainage impact assessment 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 **17.9.2023**;
- (b) in relation to (a) above, the implementation of the mitigation measures identified in the approved drainage impact assessment 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 **17.12.2023**;
- (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 **17.9.2023**;

- (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 **17.12.2023**;
- (f) if the above planning condition (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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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.

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 proposed use is not in line with the planning intentions of the "R(A)4" and "O" zones, which are primarily for high-density residential developments, and for the provision of outdoor open-air public space for active and/or recreational uses serving the needs of local residents as well as the general public respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 Planning Statement received on 30.11.2022
Appendix Ia	FI received on 7.2.2023
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses

Appendices V-1 and V-2	Public Comments
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**