

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

APPLICATION NO. A/HSK/428

- Applicant** : Mr. TANG Loi Yiu represented by Metro Planning & Development Company Limited
- Site** : Lot 812 RP in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,420 m² (including GL of about 390 m² or 27.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : (i) “Residential (Group A) 3” (“R(A)3”) (about 99%); and
[Restricted to a maximum plot ratio of 5.5 and maximum building height of 140mPD]

(ii) “Open Space” (“O”) (about 1%)
- Application** : Temporary Public Vehicle Park for Private Cars for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private cars for a period of three years at the application site (the Site) (**Plan A-1a**). Majority of the Site is zoned “R(A)3” with minor encroachment onto the “O” zone¹ on the OZP. According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use under the “R(A)3” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Ping Ha Road via a local track, and the ingress/egress point is at the southeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, 60 parking spaces for private cars and four temporary structures for open sheds for parking, electricity meter room, site office and toilet (1 to 2-storey, about 3m to 6.5m high) with a total floor area of about 415m² would be provided. According to the applicant, the operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Sundays including public holidays. Plans showing the vehicular

¹ Regarded as minor boundary adjustment according to the covering Notes of the OZP.

access leading to the Site, the proposed layout and proposed drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in four previous planning applications approved by the Rural and New Town Planning Committee (the Committee) between 1999 and 2020 (details at paragraph 5 below).
- 1.4 A comparison of the major development parameters of the last approved application No. A/HSK/240 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/240) (a)	Current Application (A/HSK/428) (b)	Difference (b) – (a)
Applied Use	Temporary public vehicle park for private cars		No change
Site Area	About 1,420m ²		No change
Total Floor Area	About 160m ²	About 415m ²	+255m²
No. of Structures	5 (guard room, store rooms, electricity meter room, site office and toilet)	4 (open sheds for parking, electricity meter room, site office and toilet)	-1
Building Height	About 3.5m to 6m (1 to 2 storeys)		No change
No. of Private Car Parking Spaces	58 (2.5m x 5m)	60 (2.5m x 5m)	+2
Operation Hours	from 7:00 a.m. to 11:00 p.m. from Mondays to Sundays including public holidays		No change

- 1.5 In support of the application, the applicant has submitted an Application Form with attachments received on 21.12.2022 (**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 summarised as follows:

- (a) There is insufficient supply of car parking spaces to meet the existing parking demand in Ha Tsuen.
- (b) ‘Public vehicle park (excluding container vehicle)’ is a Column 2 use in both “R(A)3” and “O” zones. The applied use is in line with the planning intention of the “R(A)3” zone for the convenience of the nearby residents.
- (c) The applied use is compatible with the surrounding areas. Similar applications for temporary public vehicle park use in nearby “R(A)3” and “O” zones were approved by the Board.
- (d) The development will have insignificant traffic, noise and environmental impacts.
- (e) The drainage proposal is being implemented by the applicant.

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

4. Background

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

5. Previous Applications

- 5.1 The Site is the subject of four previous applications (No. A/YL-HT/73, 155 and 271 and A/HSK/240) for temporary public car/vehicle park use for various types of vehicle approved with conditions by the Committee between 1999 and 2020 on the considerations that the applied/proposed uses were not incompatible with the surrounding areas and no major adverse comments from concerned government departments. Amongst these, three 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-1b**.
- 5.2 The last application No. A/HSK/240 for temporary public vehicle park for private cars was approved with conditions by the Committee on 21.8.2020 for a period of three years but the permission was subsequently revoked on 21.1.2023 due to non-compliance with the approval condition on implementation of drainage proposal. Compared with the last approved application, the current application is submitted by the same applicant for the same use with a similar layout at the same site.

6. Similar Applications

There are three similar applications (No. A/HSK/35, 48 and 362) for temporary public vehicle park use within/straddling the subject “R(A)3” zone in the past five years. All of them were approved with conditions by the Committee on similar considerations as mentioned in paragraph 5.1 above. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Ping Ha Road via a local track; and

- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north is a public works regional laboratory;
- (b) to its south and southwest are a vehicle service centre and a site for parking of vehicles under valid planning permissions, three open storage yards which are suspected unauthorized developments (UDs) and some parking of trucks; and
- (c) to its west and northwest are two logistics centres (one under valid planning permission and one being a suspected UD), a vehicle repair workshop which is also a suspected UD and a residential dwelling (about 54m away).

8. Planning Intention

The planning intention of the “R(A)3” 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. 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 engineering perspective; and
- (b) the applicant should note her advisory comments in the Recommended Advisory Clauses in **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 30.12.2022, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received (**Appendices V-1 and V-2**). One commenter objects to the application on the grounds that the applied use will increase traffic flow, cause traffic congestion and environmental nuisance, pose fire safety hazard and adversely affect the safety and living quality of the local villagers. One commenter expresses concern that the approval conditions of the last application have not yet been complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private cars for a period of three years at the Site mainly zoned “R(A)3” on the OZP. Whilst the applied use is not in line with the planning intention of the “R(A)3” zone, the Project Manager (West), Civil Engineering and Development Department has no objection to the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. 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 considered not incompatible with the surrounding areas which are predominately used for open storage yards, vehicle service centre and logistic centres with some of them covered by valid planning permissions (**Plan A-2**).
- 11.3 While the planning permission granted under the last application No. A/HSK/240 in 2021 was revoked due to non-compliance with the time-limited approval condition regarding implementation of drainage proposal, relevant proposals have been provided in the current submission and the applicant claims that the drainage proposal is being implemented. Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no adverse comments on the application. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration would not be given to any further application.
- 11.4 There is no adverse comment from other concerned government departments, including Director of Environmental Protection, Chief Highway Engineering/New Territories West of Highways Department and Director of Fire Services 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 engineering perspective. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental impacts on the surrounding areas.
- 11.5 Four previous applications for temporary public car/vehicle park use for various types of vehicles on the Site (**Plan A-1b**) were approved between 1999 and 2020 on the grounds that the applied/proposed uses were not incompatible with the surrounding areas and no major adverse comments from concerned government departments. In addition, there are three similar approvals for temporary public vehicle park use within/straddling the subject “R(A)3” zone on the OZP (**Plan A-1a**). Approval of the subject application is generally in line with the Committee’s previous decisions.
- 11.6 Two public comments objecting to or expressing concerns on the application were received as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 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 **17.2.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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 **17.11.2023**;
- (b) in relation to (a) above, the implemented drainage facilities on the 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 **17.8.2023**;
- (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 **17.11.2023**;
- (e) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 V**.

- 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 "R(A)3" zone which is primarily for high-density residential development. 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 Attachments received on 21.12.2022
Appendix II	Previous and Similar Applications
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	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2023**