

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

APPLICATION NO. A/HSK/449

<u>Applicant</u>	: Mr. TANG Ming Hei Roy represented by Ever United Planning and Development Limited
<u>Site</u>	: Lot 1159 (Part) in D.D.125, Ha Tsuen, Yuen Long
<u>Site Area</u>	: About 1,150 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Shui Kiu and Ha Tsuen 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>	: Renewal of Planning Approval for Temporary Public Vehicle Park (Private Car) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary public vehicle park (private car) for a period of three years (**Plan A-1**). According to the Notes for the “V” zone of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 26.6.2023.
- 1.2 The Site is accessible from San Sik Road via a local track, and the ingress/egress point is at the northern part of the Site (**Plans A-2 and A-3**). According to the applicant, 24 parking spaces (each of 5m x 2.5m) for private cars are provided (**Drawing A-2**). No structure will be erected at the Site. The operation hours are 24 hours daily, including Sundays and public holidays. Plans showing the access leading to the Site, site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in a previous planning application No. A/HSK/226 for proposed temporary public vehicle park (private car) approved by the Rural and

New Town Planning Committee (the Committee) of the Board on 26.6.2020 (details at paragraph 6 below). Compared with the last application, the current application is submitted by the same applicant for the same use with a same layout at the same site.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (**Appendix I**)
20.4.2023
- (a) Supplementary Information (SI) received on 25.4.2023 (**Appendix Ib**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form with attachments at **Appendix I**. They can be summarised as follows:

- (a) A previous application for temporary public vehicle park (private car) was approved by the Board in 2020. All time-limited approval conditions for the previous application have been complied with. The applied use and the number of car parking spaces in the current application are the same as the previous application.
- (b) The applied use is a Column 2 use in the “V” zone. The applied use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone.
- (c) The applied use is primarily to serve the nearby villagers and meet the demand for car parking spaces in the vicinity. It is not incompatible with the surrounding environment. Similar planning permissions for temporary public vehicle park in the same “V” zone were granted by the Board. The planning circumstances of the current application are similar to that of the adjacent approved public vehicle park uses.
- (d) No adverse traffic, environmental and drainage impact arising from the applied use are anticipated. No repairing, dismantling, assembling or other workshop activity would be carried out at the Site. Only private cars are allowed to enter the Site and no heavy goods vehicle, container trailer and tractor would be allowed to enter the Site. All the implemented drainage facilities and FSIs would be maintained regularly.

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 publishing the notice of the application on local newspapers specified by the Board. 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) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Application

The Site is involved in a previous application No. A/HSK/226 for proposed temporary public vehicle park (private car) which was approved with conditions by the Committee on 26.6.2020 for a period of three years with validity up to 26.6.2023 mainly on the considerations that the proposed development would not jeopardise the long-term planning intention of the “V” zone, not incompatible with the surrounding areas and no adverse comments from concerned government departments. All time-limited approval conditions of the previous approval have been complied with. Details of the application is summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

There are nine similar applications (No. A/HSK/76, 80, 169, 191, 324, 359, 383, 386 and 408) for various temporary public vehicle park within/straddling the subject “V” zone in the past five years. All of them were approved with conditions by the Committee between 2018 and 2022 on considerations similar to those mentioned in paragraph 6 above. However, three of the planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from San Sik Road via a local track; and
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north is a site for parking of vehicles which is a suspected unauthorized development (UD) and residential dwellings of Tseung Kong Wai;
- (b) to its east are clusters of residential dwellings of Tseung Kong Wai, a real estate agency and a private club (both under valid planning permissions), an open storage yard and a vehicle park which are suspected UD and unused land;
- (c) to its south and southeast are two open storage yards under valid planning

permission and a warehouse which is permitted under the “Other Specified Uses” annotated “Logistics Facility” (“OU(LF)”) zone; and

- (d) to its west and northwest are an open storage yard which is a suspected UD, an open storage yard, a tractors and trailers park and a warehouse which are permitted under the “OU(LF)” zone, a cluster of residential dwellings, a vacant structure and unused land.

9. 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.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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.

10.2 The following government department supports the application:

Traffic

10.2.1 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 V**.

11. Public Comment Received During the Statutory Publication Period

On 28.4.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary public vehicle park (private car) for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, the proposal can help meet the parking demand in the area. In this regard, C for T supports the application. Moreover, District Lands Officer/Yuen Long of Lands Department advises that no SH application within the Site has been received. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.

- 12.2 The applied use is considered not incompatible with the surrounding areas which are predominantly occupied by village houses and open storage yards, warehouses and vehicle park scattered at the fringe of Tseung Kong Wai (**Plan A-2**).
- 12.3 The application is considered generally in line with TPB PG-No. 34D, in that there is no major change in planning circumstances, all approval conditions under the previous approval have been complied with, there is no adverse departmental comment on the renewal application and the three-year approval period sought is of the same time-frame as the previous approval and is considered reasonable.
- 12.4 Concerned government departments, including the Director of Environmental Protection, C for T, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, have no adverse comment on the application. The applied use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 There are nine similar approvals for various temporary public vehicle park within/straddling the subject “V” zone granted by the Committee between 2018 and 2022 (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the temporary public vehicle park (private car) 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 three years **from 27.6.2023 until 26.6.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no light, medium and heavy goods vehicles, including container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.9.2023**;
- (d) the existing fire service installations implemented on the Site shall be maintained at all times during the planning approval period;
- (e) if any of the above planning conditions (a), (b) or (d) 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

- (f) if the above planning condition (c) 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 conditions on the submission and implementation of drainage proposal and maintenance of implemented drainage facilities under the permission for application No. A/HSK/226 are replaced by approval conditions (b) and (c); approval conditions on the submission and implementation of FSIs proposal under the permission for application No. A/HSK/226 are replaced by approval condition (d); and restrictions on vehicle with license, posting of notice, queuing back and reversing movement of vehicles and maintenance of existing trees and landscape planting have been removed as per the latest practice.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 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 "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.

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 20.4.2023
Appendix Ia	SI received on 25.4.2023
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
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Plan

Plan A-1

Plan A-2

Plan A-3

Plan A-4

Location Plan with Previous and Similar Applications

Site Plan

Aerial Photo

Site Photos

PLANNING DEPARTMENT

JUNE 2023