

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

APPLICATION NO. A/HSK/491

- Applicant** : Mr. CHAN Chi Wing represented by Metro Planning & Development Company Limited
- Site** : Lot 2429 RP in D.D. 124 and Adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 1,384m² (including 30m² of GL)
- Land Status** : 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”)
[Restricted to 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, Light Goods Vehicles and Coaches) 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 cars, light goods vehicles (LGVs) and coaches) for a further period of three years (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ within “R(A)4” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 26.1.2024.
- 1.2 The Site is accessible from Hung Yuen Road and the ingress/egress point is at its west (**Drawing A-1 and Plan A-2**). According to the applicant, there is one temporary structure as guard room (3m in height) with a total floor area of about 20m², while 25 parking spaces for private cars, four parking spaces for light goods vehicles (LGVs) and two parking spaces for 28-seaters coaches are provided at the Site. The operation hours are from 7:00 a.m. to 11:00 p.m. daily including Sundays and public holidays. The layout plan, fire service installations (FSIs) plan and as-built drainage plan submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.
- 1.3 The Site is the subject of 10 previous applications including eight applications for

temporary vehicle park uses which were approved by the Rural and New Town Planning Committee (the Committee) of the Board from 2007 to 2020 (**Plan A-1b**) (details at paragraph 6 below). Compared with the last previous application No. A/HSK/268, the current application is submitted by the same applicant for the same applied use and 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 10.10.2023 (**Appendix I**)
- (b) Supplementary Information (SI) received on 13.10.2023 (**Appendix Ia**)
- (c) Further Information (FI) received on 24.10.2023* (**Appendix Ib**)
- (d) FI received on 30.10.2023* (**Appendix Ic**)

**Accepted and exempted from publication and recounting requirements*

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 and FI at **Appendices I and Ib**. They can be summarised as follows:

- (a) the applied use is temporary in nature which would not jeopardise the long-term planning intention of the Site;
- (b) the applied use and development parameters of the current application are the same as the previous application No. A/HSK/268. All the approval conditions of the last approved application have been complied with;
- (c) the Site is subject to a number of planning permissions since 2007 and there are similar applications approved in the surroundings;
- (d) the applied use is not incompatible with the surrounding environment including residential developments (e.g. Hung Fuk Estate, Park Nara and Coronet Court) and eating place, and it can meet the shortage of parking spaces in the area; and
- (e) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity will be allowed on the Site; no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined under the Road Traffic Ordinance, are allowed to be parked/ stored on or enter/ exit the Site. The applied use has minimal traffic, environmental and drainage impacts to the surrounding areas.

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. 31B) by posting site notice and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements are not applicable to the GL portion.

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 also 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 is involved in 10 previous applications (No. A/YL-PS/12, 50, 267, 277, 288, 296, 368, 471, A/HSK/39 and 268). Except Application No. A/YL-PS/50 which was rejected, the other nine applications were approved with conditions by the Committee. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

Rejected application

- 6.2 Application No. A/YL-PS/50 covering a minor part of the northwestern portion of the Site¹ for proposed restaurant and car park was rejected by the Committee in 1999. Considerations of this application are not relevant to the current application which involves a different use.

Approved applications

- 6.3 Application No. A/YL-PS/12 for comprehensive development with minor relaxation of building height covering a much larger area under the previous “CDA” zone was approved with conditions in 1997. Considerations of this application are not relevant to the current application which involves a different use. The approved scheme was not executed and the planning permission lapsed on 8.8.2003.
- 6.4 Six applications (No. A/YL-PS/267, 277, 288, 296, 368 and 471) for various temporary vehicle park uses with/without ancillary office and storeroom covering different extents of the Site were approved with conditions for a period of three years by the Committee between 2007 and 2015 mainly on the considerations that temporary approval would not jeopardise the long-term planning intention; the proposal was not incompatible with the surrounding land uses; the vehicle park was of small scale; and there were no adverse departmental comment and local objection. However, applications No. A/YL-PS/267, 277, 288 and 471 were subsequently revoked due to non-compliance with time-limited conditions.
- 6.5 Applications No. A/HSK/39 and 268 for the same applied use as the current application at the same Site were approved with conditions for a period of three years by the Committee in 2018 and 2020 respectively, mainly on similar considerations as mentioned in paragraph 6.4 above. The last application No. A/HSK/268 was approved with conditions by the Committee on 18.12.2020 for a period of three years

¹ The Site was zoned “Comprehensive Development Area” (“CDA”) under the previous Ping Shan OZP until 25.5.2017.

with validity up to 26.1.2024. All time-limited conditions have been complied with.

7. Similar Applications

There are four similar applications (No. A/HSK/208, 209, 220 and 419) for temporary public vehicle park within the same “R(A)4” zone in the past five years. All of them were approved with conditions by the Committee between 2020 and 2022 based on similar considerations as mentioned in paragraph 6.4 above. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Hung Yuen Road; and
- (b) fenced, hard-paved and occupied by the applied use with valid planning permission.

8.2 The surrounding areas are predominantly occupied by car parks, restaurants and shop and services uses, intermixed with a workshop, a bus depot, light rail facilities, some unused land and residential development. Some of these uses are covered with valid planning permissions and some uses are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

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.

10. Comments from Relevant Government Departments

All 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 Statutory Publication Period

On 17.10.2023, 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 cars, LGVs and coaches) for a period of three years at the Site zoned “R(A)4” on the OZP (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “R(A)4” zone, it can help meet the local demand for parking spaces. Besides, the Site falls within the Hung Shui Kiu/ Ha Tsuen New Development Area

and the Project Manager (West), Civil Engineering and Development Department has no adverse comment on 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. Notwithstanding this, 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.

- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly occupied by car parks, restaurants and shop and services uses (**Plan A-2**).
- 12.3 The application is also generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval; all the time-limited conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ no adverse comment on the application. The applied use would unlikely create significant adverse environmental, traffic, drainage and fire safety 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 Given eight previous approvals had been granted between 2007 and 2020 for temporary vehicle park uses, and there are four similar approvals for temporary public vehicle park within the subject “R(A)4” zone on the OZP in the past five years, approval of the current application is generally in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the renewal of planning approval for temporary public vehicle park (private cars, light goods vehicles (LGVs) and coaches) 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 27.1.2024 to 26.1.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) a notice should be posted at a prominent location of the Site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including

container tractors/trailers as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the existing fire service installations implemented shall be maintained in efficient working order at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities 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 27.4.2024;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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
- (i) if the above planning condition (g) 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 (a), (b), (c), (d), (e), (f) and (g) are the same as those under the permission for application No. A/HSK/268; and the restrictions on queuing back and reversing movement of vehicles, the requirements on existing fencing/ planting maintenance and operation hours have been removed as per the latest practice.]

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

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 10.10.2023
Appendix Ia	SI received on 13.10.2023
Appendix Ib	FI received on 24.10.2023
Appendix Ic	FI received on 30.10.2023
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	Layout Plan
Drawing A-2	FSIs Plan
Drawing A-3	As-built 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
DECEMBER 2023**