

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

APPLICATION NO. A/HSK/504

- Applicant** : Mr. Tang Yui Kan represented by Metro Planning & Development Company Limited
- Site** : Lots 904 S.B RP and 907 RP in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 1,200 m² (about)
- 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
- Zoning** : (i) “Open Space” (“O”) (about 88%); and
(ii) area shown as ‘Road’ (about 12%)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) 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 and light goods vehicle) for a further period of three years (**Plan A-1**). According to the Notes for the “O” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). ‘Public Vehicle Park’ use in area shown as ‘Road’ also requires planning permission from the Board. The Site is currently used for the applied use with valid planning permission under application No. A/HSK/302 until 14.5.2024.
- 1.2 The Site is accessible from Ping Ha Road and the ingress/egress point is at the western part of the Site (**Plan A-2 and A-3**). According to the applicant, 13 parking spaces for private cars (each of 5m x 2.5m) and six parking spaces for light goods vehicles (each of 7m x 3.5m) are provided at the Site. Four single-storey temporary structures/converted containers/open shed (not exceeding 3.5m high) with a total floor area of about 104m² for meter room, site office, guardroom and rain shelter uses are provided at the northern part of the Site (**Drawing A-2**). The operation hours are from 7:00 a.m. to 11:00 p.m. daily. 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 seven previous applications including six applications for temporary vehicle park use which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2002 and 2021 (details at paragraph 6 below) (**Plan A-1**). Compared with the last application No. A/HSK/302 approved with conditions on 14.5.2021, the current application is submitted by the same applicant for the same use with the 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 23.1.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 25.1.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 5.2.2024 (**Appendix Ib**)

[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 and SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) A number of previous applications for similar use at the Site have been approved by the Board since 2002. All time-limited approval conditions of the previous application No. A/HSK/302 have been fulfilled.
- (b) The applied use is primarily to meet the demand for car parking spaces in nearby villages. The applied use is not incompatible with the surrounding environment. Similar planning applications for public vehicle park use have been approved by the Board in the adjoining areas.
- (c) The applied use has minimal traffic, environmental and drainage impacts to the surrounding areas. No vehicles exceeding 5.5 tonnes including container tractors/trailers and coaches are allowed to access to the Site. All existing trees at the Site will be preserved.

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 Ha Tsuen Rural Committee. 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 Applications

- 6.1 The Site is involved in seven previous applications covering different extents of the Site. Amongst them, six applications (A/YL-HT/260, 582, 769 and 941 and A/HSK/53 and 302) for temporary vehicle park were approved by the Committee between 2002 and 2021 mainly on the considerations that the applied/ proposed use were not incompatible with the surrounding areas, and there were no major adverse comments from government departments. However, one of the planning permissions was subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1**.
- 6.2 Application No. A/YL-HT/549 for temporary open storage of construction materials for a period of three years was rejected by the Committee on 6.6.2008. The considerations for this application are not relevant to the current application which is for a different use.
- 6.3 The last application No. A/HSK/302 was approved with conditions by the Committee on 14.5.2021 for a period of three years with validity up to 14.5.2024. All time-limited conditions have been complied with.

7. Similar Applications

- 7.1 There are three similar applications for temporary public vehicle park within/straddling the subject “O” zone in the past five years. All of them were approved with conditions by the Committee between 2019 and 2022 based on similar considerations as stated in paragraph 6.1 above. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Application No. A/HKS/503 for renewal of planning approval for temporary public vehicle park (private car and light good vehicle) at an adjoining site within the same “O” zone is scheduled for consideration of the Committee at this meeting.

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

- 8.1 The Site is:
 - (a) directly abutting and accessible from Ping Ha Road; and
 - (b) currently used for the applied use with valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by residential dwellings, car parks, open storage yard and vehicle repair workshop intermixed with some vacant and unused land. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “O” zone is intended 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.

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 30.1.2024, 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 and light goods vehicle) for a period of three years at the Site zoned “O” (about 88%), and partly within an area shown as ‘Road’ (about 12%) on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “O” zone, the Project Manager (West), Civil Engineering and Development Department and the Director of Leisure and Cultural Services have no adverse comment on the application. 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 residential dwellings, car parks, open storage yard and vehicle repair workshop, intermixed with some vacant and unused land (**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 which is the same as the last approval granted by the Committee is not unreasonable.
- 12.4 There is no adverse comment from the concerned government departments including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application regarding environmental, traffic, fire safety and drainage aspects respectively. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 Six previous applications for temporary vehicle park use involving the Site had been approved between 2002 and 2021 and three similar applications have been approved

by the Committee in the past five years. Approval of the current application is generally 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 and light goods vehicle) 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, and be renewed **from 15.5.2024 to 14.5.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicles without valid licenses issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (e) 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 **15.8.2024**;
- (f) if any of the above planning condition (a), (b), (c) and (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
- (g) if the above planning condition (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.

[Approval conditions (a), (b), (c) and (e) are the same as those under the permission for application No. A/HSK/302 while approval conditions on the submission and implementation of the FSIs proposal have been replaced by approval condition (d); and approval conditions on restriction on operation hours, posting notice, queuing back and reversing movement of vehicles, maintenance of existing fencing and maintenance of existing landscape planting 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 received on 23.1.2024
Appendix Ia	SI received on 25.1.2024
Appendix Ib	FI received on 5.2.2024
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	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**