

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/519

Applicant : 海願規劃發展公司

Site : Lots 1111 (Part), 1112 RP (Part), 1113 RP (Part), 1116 RP (Part) and 1117 S.A in D.D.125, Ha Tsuen, Yuen Long, New Territories

Site Area : About 1,356m²

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 : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]

Application : Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) and filling of land for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes for the “V” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’, which is a Column 2 use, and filling of land require 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 San Sik Road via a local track and the ingress/egress point is at the eastern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, 30 parking spaces for private cars (each of 5m x 2.5m) are provided at the Site. No structure is erected at the Site (**Drawing A-1**). The operation hours would be 24 hours daily, seven days a week. The applicant also proposes to regularise the filling of land by concrete with an area of about 545m² and a depth of about 1m at the southern portion of the Site. Plans showing the access leading to the Site and site layout, proposed fire service installations (FSIs), extent of land filling applied, and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in a previous application for proposed temporary public

vehicle park (excluding container vehicle) for a period of three years with filling of land which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 1.6.2022 (details at paragraph 5 below) (**Plan A-1**). Compared with the last approved application No. A/HSK/359, the current application is submitted by a different applicant for the same use with filling of land at the same site with the same layout except with the deletion of the guard room.

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

- (a) Application Form with attachments received on 29.4.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 2.5.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 7.6.2024* (**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 at **Appendix I**. They can be summarised as follows:

- (a) The applied use is intended to serve the villagers of Tseung Kong Wai and Sik Kong Wai and help reducing illegal parking in the villages. The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.
- (b) The applied use is not incompatible with the surrounding environment. Similar planning applications for temporary public vehicle park use have been approved by the Board in the adjoining areas.
- (c) The impacts in terms of environment and traffic are expected to be insignificant. Only vehicles registered under the Road Traffic Ordinance would be allowed to park at the Site. No storage of combustible goods and no workshop activities including repairing, paint-spraying, cleansing and dismantling of cars would be allowed at the Site. The applicant pledges to provide good management to the Site to avoid mosquito and dumping problems.
- (d) The proposed regularisation of land filling is to address flooding problem in the area so as to improve the living conditions of the villagers.

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 notice to 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 planning enforcement action.

5. Previous Application

5.1 The Site is involved in a previous application No. A/HSK/359 for temporary temporary public vehicle park (excluding container vehicle) for a period of three years with filling of land¹ which was approved by the Committee on 1.6.2022 mainly on the considerations that the applied use was not incompatible with the surrounding areas and having no major adverse comments from concerned government departments. However, the planning permission was subsequently revoked on 1.12.2023 due to non-compliance with time-limited approval conditions on the submission and implementation of a drainage proposal and the implementation of the road connection and run-in/out proposal. Details of the application are summarised at **Appendix II** and its boundaries is shown on **Plan A-1**.

6. Similar Applications

There are eight similar applications involving public vehicle park use within/straddling the subject “V” zone in the past five years which were all approved with conditions by the Committee between 2019 and 2023 based on similar considerations as mentioned in paragraph 5.1 above. However, three of the planning approvals 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-1**.

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

7.1 The Site is:

- (a) accessible from San Sik Road via a local track; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas are predominantly occupied by residential dwellings, intermixed with shop and services, parking of vehicles, open storage yards and unused land. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may

¹ Same extent and depth of filling of land as the current application.

be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 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 Comment Received During Statutory Publication Period

On 7.5.2024, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix V**) objecting to the application on the grounds that the approval conditions under the previous application have not yet been complied with and there is no strong justification to approve the application.

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (private cars) for a period of three years and filling of land at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the proposal can help meeting the parking demand in the area. In this regard, C for T supports the application. Moreover, the District Lands Officer/Yuen Long of Lands Department advises that no SH application has been approved for the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. According to the applicant, the proposed regularisation of land filling is to address flooding problem at the Site. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from drainage point of view.

11.2 The applied use and associated filling of land are considered not incompatible with the surrounding land uses which are predominantly residential dwellings, intermixed with shop and services, parking of vehicles, open storage yards and unused land (**Plan A-2**).

11.3 While the planning permission granted under the last application No. A/HSK/359 in 2022 was revoked due to non-compliance with the time-limited approval conditions regarding the submission and implementation of a drainage proposal and the

implementation of the road connection and run-in/out proposal, relevant proposals have been submitted in the current application and CE/MN, DSD and the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) have no objection to the application. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should it fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration may not be given to any further applications.

- 11.4 There is no adverse comment from other concerned government departments including the Director of Environmental Protection and Director of Fire Services on the application regarding environmental and fire safety aspects respectively. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 12.2 below.
- 11.5 A previous approval for temporary public vehicle park use and filling of land was granted for the Site in 2022 and eight similar applications had been approved by the Committee in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 Regarding the public comment objecting to the application 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 comment 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 **21.6.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal 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 **21.12.2024**;
- (b) in relation to (a) above, the implementation of the revised drainage proposal 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 **21.3.2025**;
- (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 implementation of the accepted 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 **21.3.2025**;
- (e) 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

- (f) if any of the above planning condition (a), (b) or (d) 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 applied use is not in line with the planning intention of the "V" zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. 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 received on 29.4.2024
Appendix Ia	SI received on 2.5.2024
Appendix Ib	FI received on 7.6.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan with Vehicular Access
Drawing A-2	Proposed FSIs Plan
Drawing A-3	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
JUNE 2024