

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/524

- Applicant** : Mr. LAM Kwok Lung
- Site** : Lots 2413 (part) and 2417 RP (part) in D.D. 124 and adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 1,165m² (including GL of about 396m² or 34%)
- 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** : Temporary Public Vehicle Park (Private Cars) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) with ancillary office for a period of three years at the application site (the Site) zoned “R(A)4” on the OZP (**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 fenced off, hard-paved and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Hung Shui Kiu Tin Sam Road via a local access and the ingress/egress point is at the northern part of the Site (**Drawing A-1 and Plan A-2a**). According to the applicant, 34 parking spaces for private cars are provided at the Site. One temporary single-storey structure (6.5m in height) with a floor area of about 249m² is also provided to house eight of the parking spaces and be used for ancillary office (**Drawing A-2**). The operation hours is 24 hours daily (including public holidays). The location plan with vehicular access and the layout plan submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.3 The Site is the subject of four previous applications including two applications for temporary vehicle park use which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2010 and 2011 respectively (**Plan A-1b**) (details at paragraph 5 below). Compared with the last previous

application No. A/YL-PS/354, the current application is submitted by a different applicant at a smaller site with different layout for a similar applied use. A comparison of the major development parameters of the current application and the last previous application is given in the following table:

Major Development Parameters	Previous Application (No. A/YL-PS/354) (a)	Current Application (No. A/HSK/524) (b)	Difference (b) - (a)
Applied Use	Temporary Vehicle Park for Private Cars and Light Goods Vehicles with Ancillary Site Office (3 years)	Temporary Public Vehicle Park (Private Cars) with Ancillary Office (3 years)	Similar applied use
Site Area	About 1,274m ²	About 1,165m ²	-109m ² (-8.6%)
No. of Structures	6	1	-5
Total Floor Area	About 120.84m ²	About 249m ²	+128.16m ² (+106%)
No. of Parking Spaces	10 for private cars; 3 for light goods vehicles (LGV)	34 for private cars	+24 for private cars; -3 for LGV

- 1.4 In support of the application, the applicant has submitted the Application Form with attachments which was received on 22.5.2024 (**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 with attachments at **Appendix I**. 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 is not incompatible with the surrounding environment and will not bring adverse impact to the surrounding environment; and
- (c) the applied use can meet the shortage of parking spaces in the area and alleviate the problem of illegal parking.

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 the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Background

The Site is currently subject to an active planning enforcement case (No. E/YL-HSK/113) against unauthorized development (UD) involving the use for place for parking of vehicles (**Plan A-2a**). Enforcement Notice (EN) was issued on 23.4.2024 to the concerned party requiring the discontinuation of the UD. The latest site inspection revealed that the UD still continued upon the expiry of notice. The Planning Authority will consider to instigate prosecution action.

5. Previous Applications

- 5.1 The Site is the subject of four previous applications (No. A/YL-PS/12, 273, 331 and 354) covering different extents of the Site. Amongst them, two applications (No. A/YL-PS/331 and 354) for temporary vehicle park use each for a period of three years approved with conditions by the Committee in 2010 and 2011 respectively mainly on the considerations that approval of the application on a temporary basis would not frustrate the implementation of the planned use at the Site in the long term; the applied use was not incompatible with the surrounding land uses; and there were no major adverse comments from concerned government departments. However, both planning permissions were subsequently revoked on 29.10.2011 and 7.8.2013 due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1b**.
- 5.2 There are two other previous applications for comprehensive residential development and temporary open storage of waste metal and construction materials use. Application No. A/YL-PS/12 covering a larger site for comprehensive residential development was approved by the Committee in 1997. However, the approved scheme had not been executed and the planning permission lapsed on 8.8.2003. Application No. A/YL-PS/273 for temporary open storage of waste metal and construction materials use was rejected by the Committee in 2007. The considerations for these applications are not relevant to the current application which involves a different use.

6. Similar Applications

There are six similar applications (covering four sites) involving public vehicle park use within the subject “R(A)4” zone in the past five years. All the applications were approved with conditions by the Committee between 2020 and 2023 based on similar considerations as mentioned in paragraph 5.1 above. However, one of them was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** 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 Hung Shui Kiu Tin Sum Road via a local access; and
 - (b) fenced off, hard-paved and currently used for the applied use without valid planning permission.

- 7.2 The surrounding areas are predominantly occupied by car parks, restaurants and shop and services uses, intermixed with some unused land and residential developments. Some of these uses are covered with valid planning permissions and some uses are suspected unauthorized developments subject to planning enforcement action. A bus depot and some light rail facilities are located to the further southeast of the Site.

8. 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.

9. Comments from Relevant Government Departments

- 9.1 Apart from the Government departments 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 departments object to/ have adverse comments on the application:

Long-term Development

9.2.1 Comments of the Chief Estate Surveyor/New Development Area, Lands Department (CES/NDA, LandsD):

The subject lots are affected by the Second Phase development of Hung Shui Kiu/ Ha Tsuen New Development Area (HSK/HT NDA). According to the Gazette Notices No. 3102 gazetted on 31.5.2024, the subject lots shall revert to the Government on 31.8.2024 (the Reversion Date) (**Plan A-2b**). The proposal submitted by the applicant conflicts with the Government’s planned use of the lots after the Reversion Date. In this regard, she objects to the subject application.

9.2.2 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

The Site falls within the boundary of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within the sites under Second Phase development of HSK/HT NDA. The site formation and engineering infrastructure works for Second Phase development had commenced progressively from mid-2024. The Site will be reverted to the Government in end August 2024 and the works of Second Phase development will proceed accordingly.

Land Administration

9.2.3 Comments of the District Lands Officer/ Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) objects to the planning application from land administration perspective;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) no permission is given for the occupation of GL (about 396m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed;
- (d) no Short Term Wavier (STW) and Short Term Tenancy (STT) applications will be considered as relevant resumption notice for the Second Phase development of the HSK/HT NDA was served on 30.5.2024 and the private lots under the subject application will be reverted the Government on 31.8.2024; and
- (e) according to his record, there is no lease modification/ land exchange application or building plan submission in relation to development at the Site approved/ under processing.

10. Public Comment Received During Statutory Publication Period

On 31.5.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix V**) objecting to the application mainly on the grounds that there was non-compliance with approval condition under the previous application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars) with ancillary office for a period of three years. The Site falls within an area zoned "R(A)4" on the OZP (**Plan A-1**). The planning intention of the "R(A)" zone is primarily for high-density residential developments. The applied use is not in line with the long-term planning intention of the above zoning for the HSK/HT NDA.
- 11.2 The Site falls within the Second Phase development of the HSK/HT NDA and the subject private lots are within the land resumption limit of the Second Phase development of the HSK/HT NDA (**Plan A-2b**). According to CES/NDA, LandsD, the subject private lots will be reverted to the Government on the Reversion Date (i.e. 31.8.2024) and DLO/YL, LandsD advised that no STW and STT applications at the Site will be considered. In this regard, CES/NDA, LandsD objects to the planning application as the applied use conflicts with the planned use of the Site after the Reversion Date. Furthermore, PM(W), CEDD advised that the related works will proceed accordingly after the Site being reverted to the Government. Taking into account the imminent land resumption and implementation programme of the HSK/HT NDA and the fact that the NDA is one of the major land supply sources of the Development Bureau's latest 10-year supply forecast of developable land for

2024-25 to 2033-34, approval of the planning application would jeopardise the implementation of the planned developments of the Site under the HSK/HT NDA, even on a temporary basis.

- 11.3 While the Site is subject to two previous applications approved in 2010 and 2011 for temporary vehicle park use, the latest progress on the implementation of the HSK/HT NDA in paragraph 11.2 above would be regarded as a material change in planning circumstances in considering the subject application as compared to the previously approved applications.
- 11.4 Concerned departments including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ no adverse comment on the application from traffic, environmental, drainage and fire safety perspectives respectively. Nonetheless, as the concerned lots under the current application would be reverted to the Government by 31.8.2024, there may not be sufficient time for the applicant to submit and implement proposals to address the technical requirements of the concerned departments and to sort out the related land matters with LandsD.
- 11.5 Regarding the public comment objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department does not support the application for the following reason:

the Site falls with the Second Phase development of the HSK/HT NDA with imminent land resumption and development programme. Approval of the application would jeopardise the planned developments of the Site under the HSK/HT NDA. There is no strong planning justifications in the submission for a departure from the planning intention.

- 12.2 Alternatively, 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 19.7.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **19.1.2025**;
- (b) in relation to (a) above, the implementation of the 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 **19.4.2025**;
- (c) in relation to (b) above, the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;

- (d) 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 **19.1.2025**;
- (e) in relation to (d) above, the implementation of the 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 **19.4.2025**;
- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 IV**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form with attachments received on 22.5.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2024**