

**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/169**

- Applicant** : Mr. TANG Hon Kit represented by Metro Planning and Development Company Limited
- Site** : Lot 1007 RP (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
- Site Area** : 1,880 m<sup>2</sup> (about) (includes Government Lands of about 1,226 m<sup>2</sup>)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK & 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 & Light Goods Vehicles) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park for private cars and light goods vehicles (LGV) for a period of 3 years (**Drawings A-1 to A-3, Plans A-1a and A-1b**). The Site falls within the “V” zone on the approved HSK & HT OZP No. S/HSK/2. According to the Notes for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary planning permission for 3 years. The Site is currently used for the applied use with a valid planning permission of No. A/HSK/20 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is related to three previous planning applications (No. A/DPA/YL-HT/39 and A/YL-HT/895 for temporary village activity use, whereas No. A/HSK/20 for temporary public vehicle park for private cars and light goods vehicles (LGV)) were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board (**Plan A-1b**). Details of the previous applications are summarised at paragraph 5 below and at **Appendix II**.

1.3 A comparison of the major development parameters of the current application (No. A/HSK/169) and the last approved application (No. A/HSK/20) is tabulated as follows:

	<b>Last approved Application (A/HSK/20) (a)</b>	<b>Current Application (A/HSK/169) (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	about 1,728 m <sup>2</sup> (including Government Land of about 1,240 m <sup>2</sup> )	about 1,880 m <sup>2</sup> (including Government lands of about 1,226m <sup>2</sup> )	<b>+152 m<sup>2</sup></b>
<b>Applied Use</b>	Temporary Public Vehicle Park (Private Car & Light Goods Vehicle) for a period of 3 years		<b>---</b>
<b>No. of Structures</b>	nil	1 (guard room: not exceeding 3.5m in height (1 storey) and not exceeding GFA of 20m <sup>2</sup> )	<b>+1 (+20 m<sup>2</sup>)</b>
<b>No. of Parking Spaces</b>			
Private Car	25 (5m x 2.5m each)	26 (5m x 2.5m each)	<b>+1</b>
LGV	4 (7m x 3m each)	10 (7m x 3.5m each)	<b>+6</b>
<b>Operation Hours</b>	24 hours daily (Mondays to Sundays including public holidays)		<b>---</b>

1.4 The Site is accessible to Ha Mei Road. There are two ingress/egress points located at the eastern and northern boundaries of the Site connecting to Ha Mei Road and the adjoining eating place respectively (**Drawing A-1 and Plan A-2**). The proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A-3**.

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

- (a) Application form (with replacement pages) received on **(Appendix I)** 14.6.2019
- (b) Supplementary planning statement received on **(Appendix Ia)** 14.6.2019
- (c) Supplementary information with replacement pages of proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan received on **(Appendix Ib)** 14.6.2019

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement in **Appendix Ia**. They can be summarised as follows:

- (a) The proposed development meets the planning intention of the “V” zone to serve the daily needs of the residents. It is temporary in nature and it would not jeopardise the building of New Territories Exempted House (NTEH) in the long run.
- (b) The Site will operate 24 hours a day from Mondays to Sundays including public holidays. The nature, form and layout of the proposed development are compatible with the surrounding environment. It would not affect the character of the indigenous village.
- (c) Similar public vehicle park in “V” zones have been approved by the Board in rural New Territories. Hence, similar preferential treatment should be given to the current application.
- (d) Preliminary technical proposals demonstrated that the actual impact generated by the proposed development would be insignificant. No adverse traffic, environmental, landscape and drainage impacts are foreseen.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “current land owner” and has also 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. 31) by posting site notice and sending notice to the Ha Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to any planning enforcement.

### **5. Previous Applications**

- 5.1 The Site is involved in three previous applications (Nos. A/DPA/YL-HT/39, A/YL-HT/895 and A/HSK/20). Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application Nos. A/DPA/YL-HT/39 and A/YL-HT/895 for temporary village activity use<sup>1</sup> in “Undetermined” and “V” zones on the approved Ha Tsuen Development Permission Area (DPA) Plan No. S/DPA/YL-HT/2 and approved Ha Tsuen OZP No. S/YL-HT/10 at the time of application were approved with conditions by the Committee on 15.7.1994 and 25.4.2014 respectively.
- 5.3 The last application No. A/HSK/20 for temporary public vehicle park for private cars and LGV for a period of three years was approved with conditions by the Committee of the Board on 10.11.2017 mainly on the consideration that the

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<sup>1</sup> Application No. A/DPA/YL-HT/39 was for Temporary Use for Ha Tsuen Heung Ten Years’ ‘Tai Ping Ching Chiu’ for a period of 7 months. Application No. A/YL-HT/895 was for Proposed Temporary Use for Ten Years’ ‘Tai Ping Ching Chiu and Thanksgiving Activity’ for a period of 6 months.

applied temporary use would not jeopardise the long-term planning intention of the “V” zone; not incompatible with the surrounding land uses; and no adverse environmental impact to the surroundings. All the approval conditions, except the one regarding the implementation of tree preservation and landscape proposal, have been complied with. The Site is currently covered by a valid planning permission (No. A/HSK/20) submitted by the same applicant of the current application for the same applied use. However, the site boundary has been revisited in this application (**Plan A-1b**).

## **6. Similar Applications**

There are 4 similar applications (No. A/YL-HT/719 and 915 and A/HSK/76 and 80) involving temporary vehicle park uses for private cars and light goods vehicles within the same “V” zone on the OZP approved with conditions by the Committee between 2012 and 2018. However, 3 of them were both subsequently revoked due to non-compliance with approval conditions regarding the provision of fencing, restriction on the types of vehicles to be parked and the submission of drainage and fire services installation proposals respectively. 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-4b)**

7.1 The Site is:

- (a) fenced, hard paved and currently used for the applied use of public vehicle park under a valid planning permission (Application No. A/HSK/20); and
- (b) accessible to Ha Mei Road via a vehicular track (**Plan A-2**).

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) to its immediate north is an eating place under a valid planning permission (No. A/HSK/144);
- (b) to its immediate northeast is Ha Tsuen Soccer Pitch. To its immediate southeast is Ha Tsuen Rural Committee building;
- (c) to its south are a public toilet and a nullah. To the further south across the nullah are some residential dwellings at Sik Kong Wai; and
- (d) To its west across Ha Mei Road are a shrine, a playground, a basketball court and parking yard of vehicles, clusters of residential dwellings of Sik Kong Tsuen (with the closest about 31 m away).

## **8. 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 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 be permitted on application to the Board.

## **9. Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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.
- (b) The Government Land (GL) (about 1,226 m<sup>2</sup> subject to verification) is partly covered by Short Term Tenancy No. 3159 (STT3159) (with a tenancy area of 1,060 m<sup>2</sup>) for the purposes of temporary public vehicle park (private cars & LGV). No permission is given for occupation of the remaining GL (about 166m<sup>2</sup> subject to verification) (**Plan A-2**). The south-western corner of the Site affects an access to a simplified temporary land allocation for construction of Pai Lau. The act of occupation of GL without Government's prior approval is not allowed. The applicant is advised to exclude the GL at the southwestern corner of the Site.
- (c) The private land (PL) of Lot No. 1007 RP in D.D.125 is covered by Short Term Waiver (STW) No. 4659 to permit structures for the purpose of temporary eating place.
- (d) The Site is accessible to Ha Mei Road through GL (**Plan A-2**). His office does not guarantee any right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) There is no Small House application approved / under processing within the "V" zone portion of the Site.
- (g) Should the application be approved, the STW/STT holders will need to apply to him for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Such application(s) will be considered by LandsD acting in the capacity

of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

9.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to the application.
- (b) Sufficient manoeuvring spaces shall be provided within the subject Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) His Department shall not be responsible for the maintenance of any access connecting the Site and Ha Mei Road.

### **Environment**

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (b) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites".
- (c) Nevertheless, he would like to remind the applicant that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge license under the WPCO should be obtained before a new discharge is commenced. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.

### **Drainage**

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he suggest that a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal.

### **Building Matters**

#### 9.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority for the existing structures at the Site.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined

under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Fire Safety**

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design / nature of the proposal, FSI are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporate with the proposed FSIs to his Department for approval. In addition, the applicant is also advised that:
  - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) However, the applicant should be reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Landscape**

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the site records, the Site is used as a vehicle park with trees generally along the western, southern and eastern boundaries within the Site. The Site is in an area of village landscape character. Significant change to the landscape character arising from the application is not envisaged.
- (b) Should the Board approve this application, he would advise the applicant to maintain all existing trees within the Site in good condition throughout the duration of the approval period.
- (c) The applicant is reminded that approval of the planning application does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works.

### **District Officer's Comments**

9.1.9 Comment of District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):



- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **10. Public Comment Received During Statutory Publication Period**

On 21.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 12.7.2019, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The application is for a temporary public vehicle park for private cars and light goods vehicles at the Site zoned “V” on the approved HSK & HT OZP. The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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. Whilst the applied development is not in line with planning intention of the “V” zone, it could provide parking facilities to meet any such demand in the area. DLO/YL advises that there is no Small House application approved/under processing for the Site. Approval of the application on a temporary basis of 3 years would not frustrate the long-term development of the area. Whilst the applied use is not entirely in line with the planning intention of the “V” zone and will not jeopardise the long-term development of the Site.

11.2 The Site is located at the fringe of the “V” zone and its surrounding areas are predominantly rural in character with Ha Tsuen Soccer Pitch adjoining the Site and village settlements of Sik Kong Tsuen and Sik Kong Wai to the west across Ha Mei Road and to the south. The applied use is considered not incompatible with the surrounding land uses.

11.3 There is no adverse comment from the concerned Government departments on the application. Relevant approval conditions have been recommended in paragraph 12.2 to minimise any potential environmental nuisances or to address the technical concerns of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on Site would subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.

- 11.4 The Committee has approved a previous planning application for similar public vehicle park use at the Site and 4 similar applications within the same “V” zone on the OZP (**Plans A-1 and A-2**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There is no public comment received on the application during the statutory public inspection period.

## 12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 above, 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 3 years until **2.8.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity, as proposed by the applicant, is allowed on site at any time during the planning approval period;
- (b) no vehicle without valid license issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars and light goods vehicles not exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the Site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees within the Site shall be maintained in good condition during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.11.2019**;
- (h) in relation to (g) above, the existing drainage facilities shall be maintained at all times during the planning approval period;

- (i) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.2.2020;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.5.2020;
- (k) the provision of fencing of the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 2.2.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (g), (i), (j) or (k) 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 to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such 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**

<b>Appendix I</b>	Application Form (with replacement pages) received on 14.6.2019
<b>Appendix Ia</b>	Supplementary Planning Statement received on 14.6.2019
<b>Appendix Ib</b>	Supplementary Information with replacement pages of proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan received on 14.6.2019
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications within the same “V” zone on the OZP
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Landscape & Tree Preservation Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plans A-1a and 1b</b>	Location Plans
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2019**