

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

**APPLICATION NO. A/HSK/188**

<b><u>Applicant</u></b>	:	Ms. CHEUNG Sui Fong
<b><u>Site</u></b>	:	Lots 2183 RP (Part), 2186 (Part) and 2187 RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long
<b><u>Site Area</u></b>	:	About 1,561.5m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Hung Shui Kiu and Ha Tsuen (HSK & HT) Outline Zoning Plan (OZP) No. S/HSK/2
<b><u>Zoning</u></b>	:	“Open Space” (“O”)
<b><u>Application</u></b>	:	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years (**Plan A-1a**). The Site falls within “O” zone on the approved HSK & HT OZP. According to the Notes for “O” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for a period of 3 years. The Site is paved and currently vacant (**Plans A-4a and 4b**).
- 1.2 The Site is involved in 10 previous applications No. A/YL-LFS/29, 49, 71, 89, 140, 148, 152, 160 and 244 and A/YL-HT/1039 for various open storage, logistic centre, educational centre and workshop uses (9 under the then Lau Fau Shan and Tsim Bei Tsui OZP and 1 under the then Ha Tsuen OZP). The last application No. A/YL-HT/1039 for proposed warehouse use for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 12.8.2016 but was subsequently revoked on 12.2.2018 due to non-compliance with time-specific approval conditions on submission and implementation of drainage, tree preservation and landscape proposals as well as provision of fire service installations (**Plan A-1b**). The current application is submitted by the same applicant for a different use with different layout at a smaller site.

1.3 The Site is abutting Lau Fau Shan Road and accessible from it via a local track (**Plans A-2 and 3, and Drawing A-1**). The ingress/egress point is located at the south-eastern corner of the Site (**Drawing A-2**). Three single-storey structures with a total floor area of about 43.8m<sup>2</sup> and each with the same dimensions of 6.1m x 2.4m and same height of not exceeding 2.4m are proposed for electricity meter room, guard room and store room at the south-eastern part of the site. The open area is designated for 4 goods vehicle parking spaces and 4 private car parking spaces. According to the applicant, the car park will be operated for 24 hours daily. The proposed vehicular access plan, layout plan, landscape and tree preservation plan, drainage plan and boundary fencing plan are shown at **Drawings A-1 to A-5** respectively.

1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

	<b>Last Approved Application (A/YL-HT/1039) (a)</b>	<b>Current Application (A/HSK/188) (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	8,181m <sup>2</sup>	1,561.5m <sup>2</sup>	-6,620m <sup>2</sup> (-81%)
<b>Applied Use</b>	Proposed temporary warehouse with ancillary site office (3 years)	Proposed temporary public vehicle park (excluding container vehicle) (3 years)	--
<b>No. of Structures</b>	2	3	+1
<b>Total Floor Area</b>	6,069m <sup>2</sup>	43.8m <sup>2</sup>	-6,025.2m <sup>2</sup> (-99%)
<b>Private Car Parking Spaces</b>	4	4 (2.5m x 5m each)	same
<b>Goods Vehicle Parking Spaces</b>	0	4 (3.5m x 12m each)	+4
<b>Container Vehicle Parking Spaces</b>	12	0	-12
<b>Operation Hours</b>	7am to 8pm from Mondays to Saturdays and no operation on Sundays and Public Holidays	24 hours daily	--

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

- (a) Application Form with location plan, proposed vehicular access plan, layout plan, tree preservation and landscape plan, drainage plan and boundary fencing plan received on 2.9.2019 **(Appendix I)**
- (b) Further information (FI) from Applicant dated 17.10.2019 providing trip generation rate **(Appendix Ia)**  
*[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 Part 9 of **Appendix I**. The applicant remarks that the Site is previously a piece of commercial land and can be used for carpark. However, part of the Site is subsequently rezoned to “Open Space” and therefore the Site is now applied for monthly car park use.

## 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. 31) by posting site notice and sending notice to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Background**

4.1 The Site is subject to an on-going planning enforcement action (No. E/YL-HSK/46) against an unauthorized development (UD) involving use for place for parking of vehicles. Enforcement Notice (EN) was issued on 10.9.2019 to the concerned parties requiring discontinuation of the UD. Subsequent site inspection revealed that the site was vacant. The Site would be kept under close monitoring for further action, if necessary.

4.2 The Site was previously zoned “Commercial/Residential” on the Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/7 and temporary public vehicle park is always permitted within such zone. On 26.5.2017, the Site was designated for “O” for Hung Shui Kiu/Ha Tsuen New Development Area developments on the Draft HSK&HT OZP No. S/HSK/1 where temporary public vehicle park is a Column 2 use requiring planning permission.

## 5. **Previous Applications**

5.1 The Site is the subject of 10 previous applications No. A/YL-LFS/29, 49, 71, 89, 140, 148, 152, 160 and 244 and A/YL-HT/1039 for various temporary uses (9 under the then Lau Fau Shan and Tsim Bei Tsui OZP and 1 under the then Ha Tsuen OZP). Among them, 7 applications No. A/YL-LFS/71, 89, 140, 148, 152, 160 and 244 were rejected by the Committee/Board. For the 7 rejected applications, 6 of them for various temporary open storage, logistics centre, recycled materials collection centre, vehicle repair workshop or heavy vehicle park were rejected by the Committee/Board in 2001 to 2013 due mainly to insufficient information to demonstrate that the proposed development would not impose adverse impacts on the surrounding areas; and not in line with the Town Planning Guidelines for Application for Open Storage and Port Back-up Uses. The remaining rejected application No. A/YL-LFS/160 was for temporary environmental educational centre covering a larger site close to residential dwellings and tourist spot of seafood market and restaurant in Lau Fau Shan (**Plan A-1b**). It was rejected mainly on the grounds of insufficient information to demonstrate no adverse impacts, adverse departmental comments; and incompatible with the residential developments and tourist spot in the surrounding area.

- 5.2 The earlier two and the last applications, No. A/YL-LFS/29 and 49 and A/YL-HT/1039 for temporary open storage/warehouse use were approved by the Board/Committee with conditions in 1996, 2000 and 2016 respectively. However, the latest application was subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.3 The last application No. A/YL-HT/1039 for proposed warehouse use for a period of 3 years was approved with conditions by the Committee on 12.8.2016 but was subsequently revoked on 12.2.2018 due to non-compliance with time-specific approval conditions on submission and implementation of drainage and tree preservation and landscape proposals as well as provision of fire service installations (**Plan A-1b**). Compared with the last Application, the current application is submitted by the same applicant for a different use with different layout at a smaller site (see para. 1.4 above).

## 6. **Similar Application**

There is no similar application within the same “O” zone on the approved HSK & HT OZP No. S/HSK/2.

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

7.1 The Site is:

- (a) currently being paved and vacant; and
- (b) abutting Lau Fau Shan Road and accessible from it via a local track.

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

- (a) to its immediate northwest is a piece vacant land while to its further northwest are an open storage of construction materials and a telephone exchange;
- (b) to its northeast and east across Lau Fau Shan Road is a logistic centre, a vehicle repair workshop, a warehouse and an open storage of construction material under a valid planning permission (Application No. A/YL-LFS/322);
- (c) to its south is a storage area while to its further south are two warehouses with one under a valid planning permission (Application No. A/HSK/25); and
- (d) to its west are two open storage yards of converted container and vehicles and a vehicle park while to its further west across Deep Bay Road are another vehicle park and a cluster of residential structures (the closest residential structure being about 55m away) (**Plan A-2**).

## 8. **Planning Intention**

The Site falls within “O” zone on the approved HSK & HT OZP. The planning intention of the “O” zone is 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.

## **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 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.
- (b) The Site is accessible from Lau Fau Shan Road through private lot. His office does not guarantee any right-of-way to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should the application be approved, the lot owners will need to apply to his office to permit the structures to be erected or to regularise any irregularity on site, if any. 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. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 the 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 on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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

- (a) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains.
- (b) His office shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road.

## **Environment**

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

- (a) He does not support the application as there are sensitive uses in the vicinity of the Site (the closest residential structure being about 55m away across Deep Bay Road to the west of the Site) (**Plan A-2**) and environmental nuisance is expected.
- (b) No environmental complaint pertaining to the site has been received in the past three years.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

## **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 development from a drainage point of view.
- (b) Should the application be approved, he would suggest to imposing planning conditions requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities on site to the satisfaction of his Division.

## **Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing 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.
- (c) The Site shall be provided with means of obtaining access thereto from a street and emergency access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (d) If the Site does not abut on a specified street of not less than 4.5m wide and 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 application subject to fire service installations (FSI) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Long-Term Development**

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

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA, formerly known as HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.

#### 9.1.9 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site is zoned "O" on the approved HSK & HT OZP No. S/HSK/2. It is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) Since the application involves private lots only, he has no in-principle objection to the application.

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

9.1.10 Comments of the 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 13.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 4.10.2019, one public comment from an individual was received (**Appendix IV**), raising concern that the long existing brownfield operation should be phased out to allow the implementation of the HSK/HT NDA.

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

11.1 The subject application is for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years at a site zoned "O" on the OZP (**Plan A-1**). The planning intention of the "O" zone is 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. Whilst the applied development is not in line with planning intention of the "O" zone, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD and DLCS have no objection to the applied use for 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, 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 implementation of government projects.

11.2 The applied use for temporary public vehicle park (excluding container vehicle) is not incompatible with its immediate surrounding areas which are predominantly used for open storage, vehicle park, warehouse, logistics centre and workshop uses (**Plans A-2 and 3**).

11.3 There is no major adverse comment from concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity of the Site (the closest residential structure being about 55m away across Deep Bay Road to the west of the Site) (**Plan A-2**) and environmental nuisance is expected. However, there is no environmental complaint pertaining to the site in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned



Government departments, relevant approval conditions have been recommended in paragraph 12.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on site would subject to enforcement action by the Planning Authority. 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 Site was previously zoned “Commercial/Residential” under the then Lau Fau Shan and Tsim Bei Tsui OZP, in which the applied use was always permitted under such zone. The Site and its adjoining areas were later rezoned to “O” zone under the HSK and HT OZP on 26.5.2017 to provide the planning framework for the implementation of the HSK and HT New Development Area. Besides this change in land use zoning, the general land use setting around the Site remains relatively the same.
- 11.5 The Site is the subject of 7 previously rejected applications (No. A/YL-LFS/71, 89, 140, 148, 152, 160 and 244) for various port back-up or environmental educational centre uses (between 2001 to 2013) because of adverse departmental comments and incompatibility with the residential developments and tourist spot in the surrounding area. On the other hand, the remaining 3 applications, No. A/YL-LFS/29 and 49 and A/YL-HT/1039 for temporary open storage and warehouse, were approved by the Board/Committee with conditions in 1996, 2000 and 2016 respectively. For the current applied use, it is comparatively small in scale with limited parking spaces (**Drawing A-2** and **Plan A-1b**) and is not envisaged to cause insurmountable impact to the surrounding areas. However, as the last application No. A/YL-HT/1039 was subsequently revoked on 12.2.2018 due to non-compliance with time-specific approval conditions, shorter compliance periods are recommended in order to closely monitor the progress of compliance with approval conditions. Should the application be approved, the applicant should also be advised that sympathetic consideration may not be given by the Committee to any further application should he failed to comply with the approval condition(s) resulting in the revocation of the planning permission.
- 11.6 There is one public comment received on the application during statutory publication period as summarised in paragraph 10. The planning considerations and assessments in the above paragraphs are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 10 above and having taking consideration the public comment mentioned in paragraph 11, the Planning Department has no objection to the proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years.
- 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 **1.11.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no goods vehicle exceeding 24 tonnes, including coaches, container vehicles, container tractors and trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/be parked on the Site at any time during the planning approval period;
- (b) the submission of a drainage proposal 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 **1.2.2020**;
- (c) in relation to (b) above, the implementation of the 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 **1.5.2020**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **1.2.2020**;
- (f) in relation to (e) above, the implementation of fire service installations within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **1.5.2020**;
- (g) if any of the above planning conditions (a) or (d) 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
- (h) if any of the above planning conditions (b), (c), (e) or (f) 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 reasons for rejection are suggested for Members' reference:

- (a) the development is not in line with the planning intention of the "Open Space" zone, which is 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. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed development would not cause environmental nuisances to the surrounding areas.

### **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 location plan, proposed vehicular access plan, layout plan, tree preservation and landscape plan, drainage plan and boundary fencing plan received on 2.9.2019
<b>Appendix Ia</b>	FI from Applicant dated 17.10.2019 providing trip generation rate
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Public Comment received during statutory publication period
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Tree Preservation and Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Drawing A-5</b>	Proposed Boundary Fencing Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<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  
NOVEMBER 2019**