

RNTPC Paper No. A/HSK/39
For Consideration by
the Rural and New Town
Planning Committee
on 26.1.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/39

- Applicant** : Mr. CHAN Chi Wing represented by Metro Planning and Development Company Limited
- Site** : Lot 2429 RP in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 1,384 m² (including Government land of about 30m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Residential (Group A) 4” (“R(A)4”) [a maximum plot ratio of 5 and a maximum building height of 140mPD]
- Application** : Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Coaches) 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 (private cars, light goods vehicles and coaches) for a period of 3 years (**Plan A-1**). The Site is currently used for the applied use without planning permission.
- 1.2 According to the Notes for the “R(A)4” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ within “R(A)4” zone requires planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for a period of 3 years.
- 1.3 The Site is related to 8 previous applications, which includes a previous application (No. A/YL-PS/12) for proposed comprehensive development with minor relaxation on building height, a previous application (No. A/YL-PS/50) for proposed restaurant and car park, and 6 previous applications (Nos. A/YL-PS/267, 277, 288, 296, 368 and 471) for temporary vehicle park uses. The last application No. A/YL-PS/471 for renewal of planning approval for temporary vehicle park (private cars, light goods vehicles and medium goods vehicles) with ancillary office and storeroom for a period of 3 years submitted by a different applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 6.2.2015. Details of the

applications are summarised in paragraph 5.1 and **Appendix II**.

- 1.4 A comparison of the major development parameters of the previous approved application and the current application are as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/471) (a)	Current Application (A/HSK/39) (b)	Difference (b) – (a)
Development/ Use	Temporary Vehicle Park (Private Car, Light Goods Vehicle and Medium Goods Vehicle) with Ancillary Office and Storeroom for a Period of 3 Years	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Coaches) for a Period of 3 Years	No medium goods vehicles; with addition of parking for coaches
Site Area	About 1,795 m ²	About 1,384 m ²	- 411 m ²
Total Floor Area (Non-domestic)	About 90 m ²	Not exceeding 20 m ²	- 70 m ²
No. of Structures	2 (1 for storeroom) (1 for storeroom (G/F) and office (1/F))	1 (for guard room use)	- 1
Height of Structures	2.6m to 5.2m (1-2 storeys)	3m (1 storey)	- 2.2 m
Private Car Parking Spaces	5	25	+ 20
Light Goods Vehicles Parking Spaces	3	4	+ 1
Medium Goods Vehicles Parking Spaces	4	0	- 4
Coach Parking Spaces	0	2	+ 2
Operation Hours	7:00 a.m. to 11:00 p.m. daily		No change

- 1.5 The proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan are at **Drawings A-1** to **A-3** respectively.
- 1.6 According to the applicant, the Site is directly accessed by Hung Yuen Road. The operation hours of the proposed development is from 7:00 a.m. to 11:00 p.m. daily including public holidays. No medium goods vehicle, heavy goods vehicle

and container trailer/tractor will be allowed to enter/be parked at the Site. No vehicle without valid licence issued under the Road Traffic Ordinance will be permitted to be parked/stored at the Site. A gate will be installed at the ingress/egress to avoid vehicle getting in/getting out of the carpark outside operation hours.

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

- (a) Application Form received on 27.11.2017 (Appendix I)
- (b) Supplementary Planning Statement, Proposed Layout Plan, Proposed Landscape and Tree Preservation Plan and Proposed Drainage Plan (attached to Appendix I) (Appendix Ia)
- (c) Letter dated 5.1.2018 providing replacement page of Part 7 of the application form and submission of revised layout plan and landscape and tree preservation plan (Appendix Ib)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The last planning permission was revoked due to operation of car park outside operation hours. A gate will be installed at the ingress/egress to avoid vehicle getting in/getting out of the carpark beyond operation hours. The applicant will also comply with other planning conditions to be imposed by the TPB.
- (b) The applied use is a Column 2 use, which is not deviated from the planning intention.
- (c) The proposed development could provide an alternative for drivers in residential developments nearby, such as Hung Fuk Estate, Park Nara and Coronet Court so as to meet the parking demand.
- (d) Given the proposed development is temporary in nature and that the development of Hung Shui Kiu new town is yet to be commenced, it would not frustrate the long term planning intention of the "R(A)4" zone.
- (e) The Site is surrounded by an eating place, car park, open storage, MTR Hung Shui Kiu Bus Depot, some medium density residential developments and a public housing estate. The proposed development is not incompatible with the surrounding environment.
- (f) The previous applicant has complied with all approval conditions stipulated by the TPB for planning application No. A/YL-PS/368 and has also provided drainage facilities and trees for the last planning application No. A/YL-PS/471. The applicant will maintain the implemented landscaping and drainage facilities. Sympathetic consideration should be given by the TPB.
- (g) The traffic generated by the proposed development is insignificant. Adequate manoeuvring space would be provided within the Site. The negligible increase in

traffic would not aggravate the traffic condition of Hung Yuen Road and nearby road networks.

- (h) The proposed development would not generate significant noise disturbance, effluent and dust emission to the surrounding environment. The applicant expresses sincerity and conscientiousness in maintaining the surrounding environment.
- (i) The proposed development would not create any adverse drainage impact. The drainage facilities have already been implemented to the satisfaction of the Director of Drainage Services and of the TPB as required under the approval condition of the last application No. A/YL-PS/471.

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. 31A) by posting notice of the application outside the Site and sending a notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to on-going enforcement action (No. E/YL-HSK/3) against an unauthorised development (UD) involving parking of vehicles. An Enforcement Notice (EN) was issued to the concerned parties on 5.9.2017 requiring discontinuation of the UD (**Plan A-2**). The recent site inspection revealed that the UD was not discontinued upon the expiry of the EN. The Site would be kept under close monitoring for future action, if necessary.

5. Previous Applications

- 5.1 The Site was involved in 8 previous Applications No. A/YL-PS/12, 50, 267, 277, 288, 296, 368 and 471 for various uses including the proposed temporary vehicle park use. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-PS/12 for comprehensive development with minor relaxation of building height covering a much larger area (36,300m²) of the then “Comprehensive Development Area” (“CDA”) was approved with conditions on 8.8.1997. However, the approved scheme had not been executed and the planning permission was lapsed on 8.8.2003.
- 5.3 Application No. A/YL-PS/50 for proposed restaurant and car park was rejected by the Committee on 26.3.1999 on the grounds that the development was not in line with the planning intention of the then “CDA” zone; insufficient information on vehicular access and loading/unloading spaces; approval of the application would frustrate the implementation of essential infrastructural projects in the area; and the approval would set an undesirable precedent.

- 5.4 Applications No. A/YL-PS/267, 277 and 288 for temporary vehicle park for private cars, light goods vehicles and/or medium goods vehicles use were approved by the Committee on 13.4.2007, 14.12.2007 and 24.10.2008 for 3 years. An approval condition prohibiting the parking of heavy vehicles was imposed on both Applications No. A/YL-PS/267 and 277 to address EPD's concern on the potential environmental nuisances. However, the planning permission for Application No. A/YL-PS/267 was revoked on 13.1.2008 due to non-compliance with the approval conditions on the implementation of the landscape and drainage proposals. The planning permission for Application No. A/YL-PS/277 was revoked on 24.7.2008 due to non-compliance with the conditions prohibiting the parking of heavy and unlicensed vehicles on site. The planning permission for Application No. A/YL-PS/288 was revoked on 24.4.2009 due to non-compliance with the conditions on the provision of fire service installations proposals on site.
- 5.5 Application No. A/YL-PS/296 for temporary vehicle park for private cars, light goods vehicles and medium goods vehicles with ancillary office and storeroom for a period of 3 years, was approved by the Committee on 27.2.2009. All the approval conditions were complied.
- 5.6 Applications No. A/YL-PS/368 and 471 for renewal of the planning approval was approved by the Committee with conditions for 3 years each on 24.2.2012 and 6.2.2015 respectively. However, the permission under Application No. A/YL-PS/471 was revoked on 12.5.2017 due to non-compliance with approval conditions on prohibiting night-time operation, requirement for notice posting indicating the type of vehicle allowed to enter/be parked, prohibiting parking/storage of vehicles without valid licence, and adherence to the parking layout.
- 5.7 Compared with the last application, the current application is submitted by a different applicant for a similar use on a smaller site.

6. Similar Applications

- 6.1 There are 3 similar applications (No. A/YL-PS/331, 354 and A/HSK/2) for vehicle park for private cars and light goods vehicles on temporary basis for 3 years within the "R(A)4" zone. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-PS/331 and 354 for vehicle park for private cars and light goods vehicle with an ancillary site office were approved by the Committee with conditions for a period of 3 years on 29.10.2010 and 7.10.2011 respectively on considerations that the temporary use would not frustrate the long term planning intention of the then "CDA" zone, the use was not incompatible with the immediate surrounding land uses, and concerned Government departments have no objection to the applications. Applications Nos. A/YL-PS/331 and 354 were revoked on 29.10.2011 and 7.8.2013 respectively for failing to comply with time-specific approval conditions.
- 6.3 Application No. A/HSK/2 for temporary public vehicle park (excluding container vehicle) was approved by the Committee with conditions for a period of 3 years on 11.8.2017 on considerations that it would provide parking spaces to meet any

such demand in the area and approval of the application on temporary basis would not jeopardise the long term planning of the area within the Hung Shui Kiu New Development Area (HSK NDA).

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

7.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) accessible directly from Hung Yuen Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a temporary public vehicle park covered by a valid planning permission (Application No. A/HSK/2). To the further north and northeast are eating place, open storage of construction materials and vehicle repair workshops which are suspected UD;
- (b) to the east is unused land, open storage yards, the MTR Hung Shui Kiu Bus Depot and Light Rail emergency loop; and
- (c) to the immediate west and southwest are temporary cultivation ground, a residential development named Park Nara, and temporary public vehicle park for private cars covered by a valid planning permission (Application No. A/YL-PS/512).

8. Planning Intention

The planning intention of “R(A)4” zone is intended 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 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) in the Site is covered by Short Term Tenancy (STT) No. 2707 for the purpose of “Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with

Ancillary Office and Storeroom”.

- (c) The private land of Lot No 2429 RP in D.D. 124 is covered by Short Term Waiver (STW) No. 3826 to permit structures for the purpose of “Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom”.
- (d) The Site is accessible by Hung Yuen Road through GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) According to his record, there is no lease modification/land exchange application and building plan submission in relation to commercial development at the Site approved/under processing.
- (g) Should planning approval be given to the subject planning application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there are any irregularities on Site. Such application(s) will be considered by the LandsD acting in the capacity of the landlord *of or* lessor 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 the LandsD.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on lease land without the approval of the BD, they are unauthorized 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 and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the application 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 the Site, prior approval and consent of the BD should be obtained, otherwise

they are UBW. An Authorized 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 respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Traffic

9.1.3 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 from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the subject site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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

- (a) The access arrangement should be commented by TD.
- (b) If the proposed run-in/out is agreed by TD, the applicant should provide the run-in/out at Hung Yuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains; and
- (d) HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Yuen Road.

Drainage

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

He notes that the drainage proposal was generally identical to the one submitted under the previous approved application No. A/YL-PS/471. He has no objection in principle to the proposed development from a

drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

Environment

9.1.6 Comment of the Director of Environmental Protection (DEP):

- (a) 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 Environmental Aspects of Temporary Uses and Open Storage Sites”.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

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, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

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

- (a) The concern on the landscape impact on the felling of existing trees raised in the public comments is noted.
- (b) From his site records, the trees were generally of a mature size (8-10m in height). Contrary to the submitted revised tree preservation and landscape proposal it is observed from the site photos that, it appears that all the existing trees within the Site has been felled or

hard pruned. The sincerity of the applicant to preserve the existing trees is in doubt. The large trees are valuable landscape resource which contributes to the local landscape character.

- (c) Approval of the application may set an undesirable precedent which would likely encourage other applicants to clear and form the site prior to obtaining planning permission. The cumulative impact of which would lead to the general degradation of the urban fringe landscape character.
- (d) Should the application be approved, he would suggest imposing a condition on the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.
- (e) The applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to DLO or other relevant tree authority as appropriate for approval.
- (f) Due to the nature of the application, precautionary measures should be proposed to prevent damage to the screen planting including trees and shrubs.
- (g) A minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree should be provided. The applicant may refer to the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” published by PlanD, for typical sections of the boundary landscape treatment.
- (h) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

Long Term Development

9.1.9 Comments from 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 Outline Zoning Plan and infrastructure capacities.
- (b) However, the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK 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 Advance Works stage. 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 publication intake of the HSK NDA expected in 2024.

Others

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

9.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His Office has not received any comment from locals on the application.

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

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (b) Commissioner of Police (C of P);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Director of Food and Environmental Hygiene (DFEH); and
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

10.1 On 5.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 22.12.2017, four public comments were received.

10.2 The four objecting comments (**Appendices IVa to IVd**) were submitted by the

Customer Service Office of Park Nara and 3 individuals mainly on the grounds of air and noise pollution, traffic congestion, not in-line with the planning intention, create nuisances to the residents nearby, adverse environmental impacts, unauthorized development and that the last application was previously revoked due to non-compliance with planning condition.

11. Planning Considerations and Assessments

- 11.1 The “R(A)4” zone is intended 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. Whilst the development is not entirely in line with the planning intention of the “R(A)4” zone, it could provide parking spaces to meet any such demand in the area. Also, the implementation programme for this part of the HSK NDA is still being formulated. PM(W), CEDD has no objection to the applied temporary use for 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardise the long term planning of the area. 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 Site is mainly surrounded by vehicle park, open storage yards, residential developments, MTR Hung Shui Kiu Bus Depot, Light Rail tracks and roads (**Plan A-2**). The applied use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including AC for T/NT, TD, DEP and CE/MN, DSD have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. There was no environmental complaint pertaining to the Site received in the past 3 years. CTP/UD&L, PlanD expressed concerns that the existing trees at the site have been felled or hard pruned. Approval of the application may set an undesirable precedent encouraging applications to clear and form the Site prior to obtaining permission. In this regard, it should be noted that the Site is zoned “R(A)4” intended for developments. To address the landscape concern, to minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impact.
- 11.4 There are 7 previous approved applications (Nos. A/YL-PS/267, 277, 288, 296, 368 and 471) covering the Site for similar temporary vehicle park use since 2007. Within the same “R(A)4” zone, there are 3 approved applications (Nos. A/YL-PS/331, 354 and A/HSK/2) for similar temporary public vehicle park use.
- 11.5 The last application (No. A/YL-PS/471) was revoked on 12.5.2017 due to

non-compliance with approval conditions on prohibiting night-time operation, requirement for notice posting indicating the type of vehicle allowed to enter/be parked, prohibiting parking/storage of vehicles without valid licence, and adherence to the parking layout. For the subject application, it is submitted by a different applicant on a smaller site with different parking layout. Sympathetic consideration may be given to the current application.

11.6 There are four public comments received objecting to the application on land use planning grounds as summarized in paragraph 10.2 above. The planning considerations and assessments above are also relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary public vehicle park (excluding container vehicle) could be tolerated 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 **26.1.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;

- (h) the submission of condition record of the existing drainage facilities within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.4.2018;
- (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 26.7.2018;
- (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 26.10.2018;
- (k) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 26.7.2018;
- (l) the submission of a landscape proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 26.7.2018;
- (m) in relation to (l) above, the implementation of the landscape proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 26.10.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) and (m) 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; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "R(A)4" zone which is primarily for high-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 27.11.2017
Appendix Ia	Supplementary Planning Statement, Proposed Layout Plan, Proposed Landscape and Tree Preservation Plan and Proposed Drainage Plan (attached to Appendix I)
Appendix Ib	Letter dated 5.1.2018 providing replacement page of Part 7 of the application form and submission of revised layout plan and landscape and tree preservation plan
Appendix II	Previous applications covering the application site
Appendix III	Similar applications within the same “R(A)4” Zone on the Draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1
Appendices IVa to IVd	Public Comments Received During Statutory Publication Period
Appendix V	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos