

RNTPC Paper No. A/YL-NTM/400  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 24.4.2020

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

**APPLICATION NO. A/YL-NTM/400**

- Applicant** : Chevron Hong Kong Limited represented by Vincorn Consulting and Appraisal Limited
- Site** : Lot 2212 RP and 2214 in D.D. 104, Ngau Tam Mei, Yuen Long
- Site Area** : About 992 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Village Type Development” (“V”)
- Application** : 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 temporary public vehicle park (excluding container vehicle) for a period of 3 years (**Plan A-1**). The Site is zoned “V” and ‘public vehicle park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for parking of vehicles without valid planning permission (**Plan A-2**).
- 1.2 As shown on the layout plan at **Drawings A-1**, the Site is accessible to San Tam Road via a local track through the ingress/egress at the southwestern boundary of the Site. There will be 33 number of parking spaces for private cars on the Site, and the public vehicle park will be operated 24 hours daily.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 9.3.2020 **(Appendix I)**
  - (b) Further Information (FI) dated 17.4.2020 providing background information and responses to Transport Department’s comments **(Appendix Ia)**

*(exempted from publication)*

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

The justifications put forth by the applicant in support of the application are detailed in the Application form and the FI at **Appendices I** and **Ia** respectively. They can be summarized as follows:

- (a) The Site is currently adversely possessed by trespassers for car parking purposes. The planning application for the applied use allows the landlord or occupiers to legally use the Site for car parking purposes. The proposed carpark can also cater for the parking needs of the local residents.
- (b) The Site is suitable for car parking use as it is located in close proximity to some village houses and there is an existing vehicular access to the Site.
- (c) The proposed carpark is designated for private cars. No heavy good vehicles and container vehicles are allowed to enter the Site.

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

The applicant is the sole “current land owner” for the development. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The parking of vehicles on the Site would be subject to planning enforcement action.

## **5. Previous Application**

The Site is not the subject of any previous application.

## **6. Similar Application**

- 6.1 There are two similar applications for proposed temporary public vehicle park in the “V” zone of the Ngau Tam Mei OZP. Both were approved by the Rural and New Town Planning Committee (the Committee).
- 6.2 Application No. A/YL-NTM/363 for proposed temporary public vehicle park (private cars and light goods vehicles only) in “V” (about 96%) and “Open Storage” (“OS”) (about 4%) zones was approved with conditions on 2.11.2018 for a period of 3 years. Application No. A/YL-NTM/392 for proposed temporary public vehicle park (private cars only) was approved with conditions on 4.10.2019 for a period of 5 years. They were approved mainly on the considerations that the developments would not frustrate the long-term planning intention of the zone; were not incompatible with the surrounding land uses; and there were no adverse

departmental comments.

6.3 Details of the applications are summarized at **Appendix II**. The locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible to San Tam Road via a local track;
- (b) paved and fenced; and
- (c) currently used for vehicle parking without valid planning permission.

7.2 The surrounding areas are predominantly village areas:

- (a) to its immediate north and further northeast are village houses. Further north are a petrol filling station and residential dwellings;
- (b) to its immediate east are residential dwellings, a youth centre and a village office;
- (c) to its south are residential dwellings and village houses; and
- (d) to the west across a local road is a public toilet.

## 8. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses 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 Town Planning 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):

Without recent inspection, his comments based on the applicant's information are as follows:

- (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) Should planning approval be given to the application, the lot owner will need to apply to LandsD to permit the structures to be erected or regularize any irregularities on site, if any. Given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by 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 LandsD.
- (c) According to his record, there is no Small House application approved or under processing at the Site.

### **Traffic**

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) The Site is connected to San Tam Road via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with the Lands Department by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

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

- (a) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and San Tam Road. Presumably, the

relevant department will provide their comments to the applicant, if any.

- (b) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

- 9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

He has no comment on the application from railway development point of view as the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems.

### **Environment**

- 9.1.5 Comments of the Director of Environmental Protection (DEP):

The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.

### **Landscaping**

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

In view that the application does not involve any landscape issue and there is no significant landscape resources within the Site, no significant landscape impact is envisaged.

### **Drainage**

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

He has no objection in principle to the application from public drainage point of view. Should the application be approved by the Board, the conditions should be stipulated requiring the applicant to submit a drainage proposal, and implement and maintain the drainage proposal for the development to the satisfaction of DSD or of the Board.

### **Building Matters**

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

- (a) Noting that there is no proposed building works on the Site, he has no comment under the Buildings Ordinance (BO).
- (b) The applicant is reminded that if 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 should be obtained, otherwise they are unauthorized building works under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

### **Nature Conservation**

9.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site falls within the “V” zone on the Ngau Tam Mei OZP. According to the aerial photo available in the Geospatial Information Hub of the LandsD, the Site is primarily disturbed in nature. As such, he has no adverse comments on the application from nature conservation perspective.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to 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 D of FS for approval. The applicant should also be advised on the following points:
  - (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 FSIs to be installed should be clearly marked on the layout plans.

### **Others**

9.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

He has no objection to the application, and his advisory comments are detailed at **Appendix IV**.

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

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

He has no comment on the application and local comments should be submitted to the Board directly, if any.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Commissioner of Police (C of P);
- (d) Director of Food and Environmental Hygiene (DFEH);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Director of Leisure and Cultural Services (DLCS).

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

On 17.3.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two objecting comments were received including one from a village representative of San Wai Village informing about objection from their villagers, and another from a member of the public. They were concerned that the Site is located in front of the village office with a lot of residents around the Site, in particular elderlies and children; and the Site should be used for provision of interim housing, open space and recreational facilities for the villagers (**Appendix III**).

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

11.1 The application is for temporary public vehicle park (excluding container trailer) for a period of 3 years. The Site falls within "V" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses 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. According to the applicant, the public vehicle park allows the landlord or occupiers to legally use the Site for car parking purpose and can meet the parking needs of the local residents. Although the proposed use is not entirely in line with the planning intention of the "V" zone, the proposed vehicle park can provide parking spaces to serve the local residents. DLO/YL of LandsD advised that there is no small house application approved or under processing within the Site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "V" zone.

11.2 The proposed development is not incompatible with the surrounding land uses

which are predominantly residential dwellings intermixed with some vacant/unused land, vehicle park, village office and public toilet.

- 11.3 Concerned Government departments, including DEP, DAFC, C for T, CHE/NTW of HyD, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on environmental, ecological, traffic, fire safety, drainage and landscape aspects respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions as recommended in paragraph 12.2 (e) to (i) below. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the activity on-site and traffic arrangement; and requiring provision of boundary fence are recommended in paragraphs 12.2 (a) to (d) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.
- 11.4 There are two similar applications for temporary public vehicle park use within “V” zone on the OZP which were approved by the Committee in 2018 and 2019 as detailed in paragraph 6. Approval of the subject application is in line with the previous decisions of the Committee.
- 11.5 Two objecting public comments were received raising concerns as detailed in paragraph 10. The departmental comments and planning considerations and assessments above are of relevance.

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

- 12.1 Based on the assessments in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 24.4.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;



- (d) the provision of boundary fencing on 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 24.10.2020;
- (e) the submission of 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 24.10.2020;
- (f) in relation to (e) 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 24.1.2021;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 24.10.2020;
- (i) in relation to (h) above, the provision of fire service installations 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 24.1.2021;
- (j) if any of the above planning conditions (a), (b), (c) or (g) 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
- (k) if any of the above planning conditions (d), (e), (f), (h) or (i) 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 development is not in line with the planning intention of the "V" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 9.3.2020
<b>Appendix Ia</b>	FI dated 17.4.2020
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2020**