

RNTPC Paper No. A/YL-ST/557  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 20.9.2019

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

**APPLICATION NO. A/YL-ST/557**

- Applicant** : Mr. MAN Hok Yin represented by Mr. MAN Kam Hing
- Site** : Lot 217 RP (Part) in D.D. 105, San Tin, Yuen Long
- Site Area** : About 1,235m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without the prior approval of the Government)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Public Vehicle Park for Private Car 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 for private car for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ use is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 As shown on **Plan A-2** and **A-3**, the Site is accessible from Castle Peak Road – San Tin via San Tin Tsuen Road and a local track. In support of the application, the applicant has submitted a landscape proposal (**Drawing A-2**). A summary of the major development parameters are as follows:

Development/use	Proposed temporary public vehicle park for private car for a period of 3 years
Site area	About 1,235 m <sup>2</sup>
Total floor area	About 15 m <sup>2</sup>
No. of structure	1 (Shroff)

Height of structure	1 storey (3m)
No. of private car parking spaces	28
Operation hours	7 a.m. to 7 p.m. daily

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

- (a) Application Form received on 29.7.2019 **(Appendix I)**
- (b) Further Information received on 9.9.2019 providing response to departmental comments (*accepted and exempted from publication and recounting requirements*) **(Appendix Ia)**

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

The justifications put forth by the applicant in support of the application are detailed in Section 9 of the Application Form at **Appendix I**. They can be summarised as follows:

- (a) The proposed public vehicle park, which mainly serves villages in the vicinity, can bring convenience to villagers living nearby.
- (b) The proposed use is in line with the planning intention of “V” zone. In order to minimize the visual impact to the surrounding areas, it is proposed to plant trees along the boundary of the Site. Significant visual and traffic impact on the surrounding areas is not envisaged.

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

The applicant is not a “current land owner” of the private lots within the Site 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 site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Town Planning Board Guidelines**

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application. According to the TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

## 5. **Background**

Part of the Site was subject to planning enforcement action against unauthorized development (UD) involving storage use. Enforcement Notice (EN) was issued on 7.3.2019 requiring discontinuation of the UD. Latest site inspection revealed that the UD has already been discontinued upon expiry of the EN. The Site is under close monitoring.

## 6. **Previous Application**

The Site is not the subject of any previous application.

## 7. **Similar Applications**

7.1 Since 2009, there are 26 applications for similar public vehicle park uses within the same “V” zone on the OZP. All the applications were approved by the Rural and New Town Committee (the Committee) of the Board mainly on the consideration that the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “V” zone.

7.2 Details of these 26 similar applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from the north via San Tin Tsuen Road and a local track off Castle Peak Road – San Tin; and
- (b) is currently vacant.

8.2 The surrounding areas are predominantly Small Houses in Tsing Lung Tsuen (some under construction), vehicle parks, open storage yards and vacant land. Some vehicle parks and open storage yards are suspected UD subject to enforcement action by the Planning Authority:

- (a) to its north and northwest are vacated storage yard, pond, and vacant and unused land;
- (b) to its northeast, east and southeast are Small Houses (some under construction) of Tsing Lung Tsuen, vehicle parks, open storage yard and vacant land; and
- (c) to its south and further southwest across San Tin Tsuen Road are pond (San Tin Constructed Wetland), nullah, warehouse and open storage yard.

## **9. 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 Board.

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

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

### **Land Administration**

10.1.1 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 San Tin Tsuen Road through both GL and private land. His office provides no maintenance work for the GL involved and 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 planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization 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 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.
- (e) According to his record, there is no Small House application being processed/approved at the Site.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to the public road network via a section of private lot(s) which are not managed by Transport Department (TD). As there is no information about the vehicular access at the private lot(s) to the Site, the applicant should arrange by themselves if necessary, and should seek the relevant land authority on the right of using the vehicular access.
- (b) 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.

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

- (a) The access arrangement should be commented by TD.
- (b) HyD shall not be responsible for the maintenance for any access connecting the Site and San Tin Tsuen Road. The relevant departments will provide their comments, if any.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, 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**

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

In accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he has no objection to the application.

**Nature Conservation**

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

He notes that the Site is paved and disturbed. The applicant has proposed to plant trees along the boundary of the Site in order to minimize impacts on the San Tin Constructed Wetland, which is opposite to the Site. As such, he has no adverse comment on the application from nature conservation point of view.

**Landscape**

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

According to the aerial photo of 2018, he observes that some vegetation along the boundary outside the Site act as landscape buffer to the adjacent road. As such, he does not recommend any landscape condition, should the application be approved by the Board.

**Fire Safety**

10.1.8 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 (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. 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.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

10.1.9 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) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person 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 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.
- (c) 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) Regulation respectively.
- (d) 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.

### **Drainage**

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at [http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf)). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site.
- (c) After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (g) The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future.
- (h) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

### **Others**

10.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):



If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

### **District Officer's Comment**

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

His office has no comment on the application and the local comments shall be submitted to the Board direct, if any.

10.2 The following Government departments have no comment on or objection to the application:

- (a) Commissioner of Police (C of P);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (West) (PM(W)), CEDD;
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

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

On 6.8.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 27.8.2019, one public comment was received from a member of the public raising concern that the proposed development was not compatible with the zoning and parking of vehicles should be accommodated in stacked facilities (**Appendix III**).

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary public vehicle park for private car for a period of 3 years. The Site falls within the "V" zone which is intended 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. DLO/YL, LandsD advises that there is no Small House application being processed/approved at 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 as there are no committed development programme for the Site.

- 12.2 The proposed use is not incompatible with the surroundings areas which are predominantly Small Houses in Tsing Lung Tsuen (some under construction), vehicle parks and open storage yards, and vacant land. The proposed use can provide convenient parking facilities for villagers living nearby.
- 12.3 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no adverse comment on the application from nature conservation point of view as the Site is paved and disturbed.
- 12.4 Other government departments including C for T, DEP, D of FS, CE/MN of DSD and CTP/UD&L of PlanD have no objection to or adverse comment on traffic, environment, fire safety, drainage and landscape aspects respectively. Adverse impacts on these aspects are not envisaged. To mitigate potential environmental impacts on the surrounding area and to address concerned departments' comments, approval conditions restricting operation hours, type(s) of vehicle and vehicle activity, and requiring provision of boundary fencing, submission and implementation of drainage and FSIs proposals, and maintenance of implemented drainage proposal are recommended in paragraphs 13.2 (a) to (j) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and UD on site would be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".
- 12.5 Since 2009, the Committee has approved a total of 26 applications for similar public vehicle park uses within the same "V" zone mainly on the consideration that the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the "V" zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There is one public comment from a member of the public raising concern that the proposed development is not compatible with the zoning. The planning assessments and departmental comments above are of relevance.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 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 20.9.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicles 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;
- (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/stored on the Site at all times during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (e) 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 TPB by 20.3.2020;
- (f) 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 TPB by 20.3.2020;
- (g) in relation to (f) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.6.2020;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) 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 TPB by 20.3.2020;
- (j) in relation to (i) above, the implementation 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 TPB by 20.6.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (h) 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
- (l) if any of the above planning conditions (e), (f), (g), (i) or (j) 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**.

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

the occupation of the Site for parking of private vehicles is not in line with the planning intention of the "V" zone, which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within "V" 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.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 29.7.2019
<b>Appendix Ia</b>	Further Information received on 9.9.2019 in response to departmental comments
<b>Appendix II</b>	Similar s.16 applications within the same "V" zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
<b>Appendix III</b>	Public Comment Received during Statutory Publication Period
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Proposal

<b>Drawing A-3</b>	Existing Vehicular Access and Queuing Space for Entry to the Application Site
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2019**