

RNTPC Paper No. A/YL-NTM/359  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 9.2.2018

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

**APPLICATION NO. A/YL-NTM/359**

- Applicant** : Mr. Chan Wah On represented by Top Bright Consultants Ltd.
- Site** : Lots 2448 (Part), 2455 (Part) and 2459 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long
- Site Area** : About 628 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan No. A/YL-NTM/12
- Zoning** : “Residential (Group D)” (“R(D)”)
- Application** : Temporary Public Vehicle Park (for Private Cars and Light Goods Vehicles Only) for a Period of 3 Years

**1. The Proposa**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (for private cars and light goods vehicles only) for a period of 3 years (**Plan A-1a**). According to the Notes for the “R(D)” zone of the approved Ngau Tam Mei OZP No. S/YL-NTM/12, ‘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 the applied use without valid planning permission (**Plan A-2**).
- 1.2 The Site is the subject of one previously approved application (No. A/YL-NTM/340) (**Plan A-1**) for the same applied use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 25.11.2016 with conditions for a period of 3 years. However, the application was revoked on 25.11.2017 due to non-compliance with conditions on the submission and implementation of drainage proposal and the implementation of landscape proposal.
- 1.3 According to the applicant, the car parking spaces are to serve the nearby local residents and the Site will be operated 24 hours a day and 7 days a week. As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible to

Chuk Yau Road via its adjoining private land. According to the applicant, the proposed layout is the same as the last approved application (No. A/YL-NTM/340) with a total of 13 parking spaces including 11 spaces for private cars (2.5m x 5m) and 2 spaces for light goods vehicles (3.5m x 7m), not exceeding 5.5 tonnes, located along the eastern boundary of the Site. The remaining part of the Site (western part) will be maintained to serve as pedestrian access to adjacent sites to its north and west. No structure is proposed within the Site.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 18.12.2017 **(Appendix I)**
  - (b) Supplementary Planning Statement with a landscape proposal previously approved under the last application No. A/YL-NTM/340 **(Appendix Ia)**
  - (c) FI received on 24.1.2018 providing a drainage proposal with incorporation of DSD's comment on last approved application No. A/YL-NTM/340 **(Appendix Ib)**  
*(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 Chapter 6 of the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The applied public car park mainly serves the local villagers in vicinity as there is no vehicular access to the squatter areas to the north of the Site.
- (b) The land owners have no plans for any residential development for the Site in coming years. It is considered that the applied temporary use would not jeopardise the planning intention of the "R(D)" zone and would better utilize the scarce land resources to meet the needs of nearby residents.
- (c) The applied use is the same as the previous application which was approved by the Committee in 2016. As there has been no substantial change in the planning circumstances such as land use zoning and the physical settings surrounding the Site, no adverse planning implication is anticipated under the current application.
- (d) As 'Public vehicle park (excluding container vehicle)' is a Column 2 use of the "R(D)" zone on the NTM OZP, it indicates that the applied use is compatible with the surrounding land uses, especially while the applied public vehicle park is mainly used by local residents.

- (e) The Site is hard-paved and no car washing, repairing or other workshop activities will be permitted on site. No adverse environmental impact is anticipated.
- (f) The ingress/egress to the Site is about 6m wide and the vehicular entrée is one-way traffic at a time within the Site. The Site provides sufficient spaces for vehicles to manoeuvre without queuing, parking or reverse movement on to public roads. The minimum requirement width of 5.5m for the parking aisle is provided. The vehicular trip rate is estimated to be about 25 trips per day. The traffic generated from the applied use is not expected to be significant and no adverse impact is anticipated.
- (g) The Site is currently partly served by the existing surface channels along the southern boundary of the Site. A drainage proposal (**Appendix Ib**) is submitted under the current application. Future drainage facilities to the satisfaction of DSD will be implemented by the Applicant to ensure no adverse drainage impact to the Site and its surroundings.
- (h) The applicant has made efforts in compliance with approval conditions of the last approved application (No. A/YL-NTM/340) such as submission of the landscape and drainage proposals. The applicant commits to comply with the remaining approval conditions to the satisfaction of the various Government departments should this application be approved.

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

The applicant is not a “current land owner” of 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. Background**

The Site was covered by a previous planning approval and is not subject to any enforcement case. However, the previous planning approval for public vehicle park use has been revoked, the Central Enforcement and Prosecution Section of the Planning Department is closely monitoring the site conditions. Should sufficient evidence be collected, enforcement and/or prosecution actions would be taken.

### **5. Previous Application**

The Site is subject of one previous application (No. A/YL-NTM/340) submitted by the same applicant for the same use and with the same layout. The application was approved by the Committee on 25.11.2016 for a period of 3 years until 25.11.2019 mainly on the

consideration that the development could provide vehicle parking spaces to meet local demand and to serve the adjacent residential developments, and approval of the application on a temporary basis would not frustrate the long-term planning intention of “R(D)” zone. The application was subsequently revoked on 25.11.2017 due to non-compliance with conditions on the submission and implementation of drainage proposal and the implementation of landscape proposal.

## **6. Similar Application**

There is no similar application within “R(D)” zone on the NTM OZP.

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

7.1 The Site is:

- (a) currently used as a vehicle park without a valid planning permission;
- (b) hard-paved, long and narrow in shape; and
- (c) accessible to Chuk Yau Road through its adjacent private lot.

7.2 The surrounding areas are intermixed with village houses, vehicle parks, warehouse/storages, vehicle repair workshops and unused land:

- (a) a footpath abutting the western boundary of the Site is being used by nearby residents as walkway to the residential dwellings north of the Site;
- (b) to its north and east within the same “R(D)” zone are mostly temporary structures/low-rise residential dwellings, rural workshops, open storage intermixed with unused land;
- (c) to its west within the same “R(D)” zone are storage site and a warehouse; and
- (d) to its south across Chuk Yau Road is Sheung Chuk Yuen which is zoned “Village Type Development” (“V”) on OZP where low-rise, low density residential developments and vehicle parks are located.

## **8. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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, LandsD (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. The information provided in the application indicates that no structure is proposed within the Site.
- (b) The Site is accessible to Chuk Yau Road through private land only. His office does not guarantee any right-of-way.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.

### **Traffic**

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

- (a) He has no objection to the application.
- (b) The access road/path/track leading to the Site is not managed by TD. The land status of that access road/path/track and consent for using it as vehicular and pedestrian access should be checked and obtained from the relevant lands authority/lot owner(s).

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

- (a) The proposed access arrangement of the Site should be commented by TD;
- (b) HyD is not and shall not be responsible for the maintenance of Chuk Yau Road and any existing access connecting the application site and San Tam Road; and
- (c) Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains.

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

- (a) He has no comment on the application from the railway development viewpoint.
- (b) The Site neither falls within any administrative route protection boundary, gazetted railway schemes, nor railway protection boundary of heavy rail systems.

### **Environment**

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

- (a) 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.
- (b) There was no substantiated environmental complaint related to the Site in the past 3 years.

### **Nature Conservation**

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

He notes from past aerial photos that Lot 2448 in D.D. 104 of the Site was a pond in 2011. However, it has been paved since 2015. Based on its existing condition as having been paved and disturbed, and that the Site is zoned as “R(D)” zone, he has no adverse comment on the application from nature conservation point of view.

### **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 (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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

He notes that there is no proposed building works on the Site. As such, he has no comment on the application under the Buildings Ordinance.

### **Drainage**

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

- (a) He has no objection in principle to the application from the public drainage point of view.
- (b) Should the Board considers that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant:
  - (i) to submit a drainage proposal; and
  - (ii) to implement the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.
- (c) The applicant should clarify the invert level of CP3 and CP6 as backflow is noted in this section according to the drainage proposal at **Appendix Ib**.

### **Landscaping**

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

- (a) He has no objection to the application.
- (b) The Site falls within an area zoned “R(D)”, and was a subject of previous application (No. A/YL-NTM/340) for temporary public vehicle park use (private cars and light goods vehicles only) to which he had no objection from the landscape planning perspective and the application (No. A/YL-NTM/340) was revoked on 25.11.2017.

- (c) It is noted that the submitted landscape proposal in the application is accepted for the compliance with approved condition (g) in the previous application (No. A/YL-NTM/340).
- (d) Should the Board approve the application, he would suggest the following landscape condition to be included with the planning approval:

The implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board.

### **Water Supply**

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

He has no objection to the application. For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### **Others**

#### 9.1.12 Comments of the Commissioner of Police (C of P):

He has no comment in principle subject to no parallel trading/ general merchandise operations (GMO) activities.

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

#### 9.1.13 Comments of the District Officer(Yuen Long) (DO(YL)):

He has no comment and has not received any comments from the locals on the application.

#### 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); and
- (c) Director of Electrical and Mechanical Services (DEMS).

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

On 22.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 12.1.2018, 4 public comments were received from private individuals objecting to the application mainly on grounds that the applicant does not have consent of concerned land owners and there is no strong justification to approve a revoked planning permission (**Appendix II**).

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

- 11.1 The Site falls within “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. Although the applied use for public vehicle park (private cars and light good vehicles only) is not in line with the planning intention of the “R(D)” zone, the development could provide vehicle parking spaces to meet local demand and to serve the adjacent residential developments. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there is no immediate development proposal for the Site.
- 11.2 The applied development is not incompatible with the surrounding land uses, comprising mainly low-rise low density residential dwellings and village houses, intermixing with vehicle parks, warehouse, open storages and rural workshops.
- 11.3 Concerned government departments, including DEP, DAFC, C for T, D of FS, CE/MN, DSD and CTP/UD&L, PlanD, have no objection to or no adverse comment on environmental, ecological, traffic, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraph 12.2 (e) to (i) below. There was no environmental complaint related to the Site in the past 3 years. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the activity on-site 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. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.
- 11.4 The Site is the subject of a previous application (No. A/YL-NTM/340) submitted by the same applicant for the same public vehicle park use which was approved by the Committee on 25.11.2016 for a period of 3 years mainly on the consideration that the development could provide vehicle parking spaces to meet local demand and to serve the adjacent residential developments, and approval of the application on a temporary basis would not frustrate the long-term planning intention of “R(D)” zone. Approval of the application is in line with the decision of the Committee on the previous application.

- 11.5 Although the last application No. A/YL-NTM/340 was revoked on 25.11.2017 due to non-compliance of approval conditions on submission and implementation of drainage proposal and the implementation of landscape proposal, the applicant has submitted a drainage proposal under the current submission to which CE/MN, DSD has no objection (**Appendix Ib**). The applicant has committed to comply with the approval conditions should the application be approved. In view of this and CE/MN, DSD and CTP/UD&L of PlanD has no objection to and no adverse comment on the application, it is considered that the subject application may be given sympathetic consideration. Should the application be approved, shorter compliance periods are recommended for close monitoring of the progress on compliance with the approval conditions. The applicant will also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 4 public comments were received from private individuals objecting to the application mainly on grounds that the applicant does not have consent of concerned land owners and there is no strong justification to approve a revoked planning permission. The applicant has complied with the satisfying “owner’s consent/notification” requirements as set out in TPB PG-No. 31A by posting site notice and sending notice to San Tin Rural Committee by registered post, and the assessment in paragraph 11.5 is relevant.

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

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary public vehicle park (for private cars and light goods vehicles only) 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 9.2.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) 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;
- (b) only private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to park 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 and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the

planning approval period;

- (d) no car washing, vehicles repair, dismantling, paint spraying or other workshop activities is allowed on the Site at anytime during the planning approval period;
- (e) the submission of 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 9.5.2018;
- (f) in relation to (e) above, the implementation 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 9.8.2018;
- (g) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.5.2018;
- (h) in relation to (g) above, the implementation 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 9.8.2018;
- (i) the implementation of the accepted landscape proposal within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.5.2018;
- (j) if any of the above planning condition (a), (b), (c) or (d) 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 (e), (f), (g), (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.
- (l) 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 attached at **Appendix III**.

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

the planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to

planning permission from the Town Planning Board. The development is not in line with the planning intention of the “R(D)” zone. 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 18.12.2017
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 24.1.2018
<b>Appendix II</b>	Public comments received during the publication period
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape proposal
<b>Plan A-1</b>	Location Plan with Previous Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4</b>	Site Photos