

RNTPC Paper No. A/YL-TT/488
For Consideration by
the Rural and New Town
Planning Committee
on 3.1.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/488

- Applicant** : Mr. CHING Mei Sung represented by R-riches Property Consultants Limited
- Site** : Lots 49 (Part), 417 (Part), 418, 419, 420 (Part) and 431 (Part) in D.D. 117, Tai Tong, Yuen Long, New Territories
- Site Area** : 2,965 m² (about)
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “Village Type Development” (“V”)
[*restricted to a maximum building height of 3 storeys (8.23m)*]
- Application** : Temporary Public Vehicle Park (excluding container vehicle) for a Period of 5 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 5 years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘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 occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the proposal is intended to serve the nearby villagers (including villagers of Shui Tsiu San Tsuen). The car parking spaces will be rented out on a monthly basis and only private cars will be parked at the Site. No light, medium or heavy goods vehicles, including container tractor/trailer are allowed to be parked/stored on or enter/exit the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to park at the Site. No open storage, vehicle repairing, dismantling or other workshop activities will be carried out at the Site. The applicant pledges to revert the Site back to an amenity area when the planning permission expires. Plans showing

the vehicular access, car parking layout and site layout submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 The major development parameters of the application are summarised as follows:

Applied Use	Temporary Public Vehicle Park (excluding container vehicle) for a Period of 5 Years
Site Area	About 2,965 m ²
Total Floor Area (Non-domestic)	About 306.3 m ²
No. and Height of Structures	8 <ul style="list-style-type: none">• 6 canopies (2.8-3.5m, 1 storey)• 1 site office (3m, 1 storey)• 1 storage of tools (including on-site car locks, repair signs, traffic cones, etc.) (3.5m, 1 storey)
Parking Spaces (5m x 2.5m each)	47 (for private cars)
Operation Hours	24-hours daily

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

- (a) Application Form received on 8.11.2019 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 12.12.2019 **(Appendix Ib)** responding to the comments of Transport Department (TD)
[accepted and exempted from publication and recounting requirements]
- (d) FI received on 30.12.2019 clarifying the operation **(Appendix Ic)** details
[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 the Supplementary Planning Statement (**Appendix Ia**) and FIs (**Appendices Ib and Ic**). They can be summarised as follows:

- (a) The proposal could help meet the demand for car parking for the nearby villagers and help alleviate the illegal parking situation in the area.
- (b) The proposal is for a temporary period of 5 years, and would not jeopardise the long-term planning intention of the area. There are similar approvals for temporary public vehicle park use in the same “V” zone. As such, approval of the application will not set an undesirable precedent.

- (c) The applicant will follow the relevant mitigation measures and requirement in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) as appropriate. At least one guard would be at the Site at all times to control the traffic and prevent queuing and reversing of vehicles outside the Site.
- (d) The development will not generate adverse traffic impact on the surrounding area. Sufficient circulating space is provided in-situ to allow smooth internal movement of vehicles. Should the planning application be approved, the applicant is willing to comply with any approval conditions relating to landscaping, fire service installations (FSI) and drainage, as may be imposed by the Board.

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 a notice of the application at the Site and sending the notice to the Shap Pat Heung Rural Committee (SPHRC) through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to planning enforcement action against unauthorised development (UD) involving parking of vehicles. Enforcement Notice (EN) was issued to the concerned parties on 8.8.2019 requiring discontinuation of the UD. The UD on site was discontinued upon expiry of the compliance period of the EN on 8.11.2019.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

- 6.1 There are 7 similar applications for public vehicle park uses (No. A/YL-TT/51, 119, 135, 158, 170, 185 and 229) within the subject “V” zone. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Application No. A/YL-TT/158 for temporary vehicle repair workshop, parking of private cars/lorries and mini-buses and storage of vehicle parts for a period of 3 years was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 17.7.2004 on the considerations that the development was not in line with the planning intention of the “V” zone; the development was not compatible with the residential character of the area; there was no information to demonstrate that the proposal would not generate adverse traffic impacts on the surrounding areas; and approval of the application would set an undesirable

precedent the cumulative effect of which would result in a general degradation of the environment.

- 6.3 The remaining six applications for various temporary public vehicle park uses (No. A/YL-TT/51, 119, 135, 170, 185 and 229) were all approved with conditions by the Committee on 28.5.1999, 21.9.2001, 27.9.2002, 17.12.2004, 9.9.2005 and 24.10.2008 respectively on similar considerations that the applications could help meet the local parking demand; approval of the applications on a temporary basis would not frustrate the long term planning intention of the “V” zone; and the development were not incompatible with the residential character of the area. However, applications No. A/YL-TT/119 and 170 were subsequently revoked on 21.3.2002 and 17.9.2005 respectively due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) abutting Shui Tsiu San Tsuen Road to its west;
- (b) hard paved and largely unfenced; and
- (c) currently occupied by the applied use without valid planning permission.

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

- (a) predominantly village houses with scattered unused land and a Fa Pao Association (花炮會) within the subject “V” zone; and
- (b) mainly vacant/unused land/structures with scattered residences within the adjacent “Agriculture” zone to the west of the Site and across a nullah.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised 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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the 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):

- (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 Shui Tsiu San Tsuen Road via Government land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) No Small House applications have been received/under processing within the Site.
- (e) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity as 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 her department.

Traffic

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

- (a) The land status of the access road/path/track leading to the Site from Shui Tsiu San Tsuen Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be

provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) If the proposed run-in is agreed by TD, the applicant should provide the run in/out at Shui Tsiu San Tsuen 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.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Shui Tsiu San Tsuen Road.

Environment

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

- (a) There was no environmental complaint concerning the Site received in the past three years.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest Code of Practice issued by the Environmental Protection Department to minimise any potential environmental nuisance on the surrounding area.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSI being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - (ii) The location of where the proposed FSI 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

9.1.7 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 (BA) 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 NTEH) are erected on leased land without the approval of the BA, they are unauthorised building works (UBW) under the 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 the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person 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 (B(P)R) respectively.
- (f) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

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

Her office has not received any comment, from the village representatives in the vicinity, regarding the subject application.

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

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

10. Public Comments Received During the Statutory Publication Period

On 19.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 10.12.2019, two public comments were received. The Chairman of SPHRC (**Appendix III-1**) supported the application on the grounds that Shui Tsiu San Tsuen currently lacks car parking spaces and the applied use could help solve the problem. A member of the general public (**Appendix III-2**) raised concerns that the subject village has a lack of community facilities, vehicles should be parked at the carport of residences and that a compact stacked parking system should be used to minimise land take.

11. Planning Considerations and Assessments

11.1 The subject application is for a temporary public vehicle park (excluding container vehicle) for a period of 5 years at a site zoned "V" on the OZP. Although the applied use is not entirely in line with the planning intention of the "V" zone, which is primarily intended for development of Small Houses by indigenous villagers, the proposal could meet any such demand for parking in the area. According to DLO/YL, LandsD, there is currently no Small House application approved/under processing at the Site. As such, approval of the application for a temporary period of five years would not frustrate the long-term planning intention of the area.

- 11.2 The applied use is considered not incompatible with the surrounding area which is predominantly rural residential in nature (**Plan A-2**).
- 11.3 Relevant government departments consulted, including C for T, CHE/NTW, HyD DEP and CE/MN, DSD have no in-principle objection to/no adverse comment on the application. Significant adverse traffic, environmental and drainage impacts on the surrounding area are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the technical requirements of the concerned departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD 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 in order to minimise any potential environmental impact on the surrounding area.
- 11.4 Given that six similar applications have been approved in the same “V” zone, approval of the subject application is generally considered in line with the Committee’s previous decisions. There was one similar application rejected on the grounds that no information was submitted to demonstrate that the proposal would not generate adverse traffic impacts on the surrounding areas, amongst others. However, C for T has no adverse comment on the current application and significantly adverse traffic impact on the surrounding area is not envisaged.
- 11.5 There are two public comments received on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 5 years until 3.1.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site, as proposed by the applicant, at any time during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no open storage, vehicle repairing, dismantling or other workshop

activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a run-in/out proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 3.7.2020;
- (f) in relation to (e) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 3.10.2020;
- (g) the submission of a 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 3.7.2020;
- (h) in relation to (g) 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 3.10.2020;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) 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 3.7.2020;
- (k) in relation to (j) above, the implementation of fire service installations proposal 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 3.10.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (i) 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
- (m) if any of the above planning conditions (e), (f), (g), (h), (j) or (k) 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 primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify 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

Appendix I	Application Form received on 8.11.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 12.12.2019 responding to the comments of TD
Appendix Ic	FI received on 30.12.2019 clarifying the operation details
Appendix II	Similar Applications within the subject “V” Zone on the OZP
Appendices III-1 to III-2	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Car Parking Layout Plan
Drawing A-3	Site Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2020**