

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

**APPLICATION NO. A/YL-TT/501**

- Applicant** : New Create (D&E) Limited
- Site** : Lots 953 and 959 in D.D. 115, Castle Peak Road, Yuen Long, New Territories
- Site Area** : 790 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plans** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17 (currently in force)  
  
Approved Tai Tong OZP No. S/YL-TT/16 (at the time of submission)
- Zoning** : “Residential (Group C)” (“R(C)”)  
*[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*  
*[The zoning and development restrictions remain unchanged on the current OZP]*
- Application** : Proposed 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 proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “R(C)” 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 paved and occupied by open storage use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposal is intended to serve the nearby villagers of Yeung Uk Tsuen. Only private cars will be allowed to enter/be parked at 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 also pledges to maintain trees and provide drainage facilities at the Site

at its own expense. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

| Proposed Use                    | Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years |
|---------------------------------|--|
| Site Area                       | 790 m <sup>2</sup> (about)   |
| Total Floor Area (Non-domestic) | 30 m <sup>2</sup> (about)  |
| No. and Height of Structures    | 1<br>• for shroff and store room (not exceeding 2.5m, 1 storey)                              |
| No. of Parking Spaces           | 23 (for private car)   |
| Operation Hours                 | 24 hours daily   |

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

- (a) Application Form with plans received on 12.6.2020 (**Appendix I**)
- (b) Supplementary Information received on 18.6.2020 (**Appendix Ia**) clarifying the operation hours
- (c) Further Information (FI) received on 11.8.2020 (**Appendix Ib**) responding to the comments of the Transport Department (TD) and Lands Department (LandsD), and confirming the details of the application
- (d) FI received on 17.8.2020 responding to the (**Appendix Ic**) comments of TD
- (e) FI received on 25.8.2020 responding to the (**Appendix Id**) comments of TD

*[(c) to (e) exempted from publication and recounting requirements]*

1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.8.2020 for consideration of the application has been rescheduled, and the Town Planning Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form at **Appendix I** and FIs at **Appendices Ib to Id**. They can be summarised as follows:

- (a) The proposed public vehicle park is intended to serve the nearby villagers of Yeung Uk Tsuen. The village representative of Yeung Uk Tsuen wants to have a

public vehicle park near the village as there is no provision of public vehicle park for residents. The proposed use would also address the shortage of parking spaces in the city centre.

- (b) The proposed public vehicle park could make better use of vacant land.

### **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 obtaining consents of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Application**

The Site is not the subject of any previous application.

### **6. Similar Application**

There is no similar application within the subject “R(C)” zone.

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

7.1 The Site is:

- (a) abutting Long Ho Road to its southeast;
- (b) formed and paved with gravel; and
- (c) currently occupied by open storage of sand, stone and metal without valid planning permission.

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

- (a) predominantly rural in character comprising agricultural land, unused and vacant land, a sewage pumping station, an electricity substation, residential structures and storage uses;
- (b) to its south and southwest across the Yuen Long Bypass Floodway is the residential cluster of Yeung Uk Tsuen which falls within the “Village Type Development” zone on the OZP (**Plan A-1**);

- (c) to its further north across Castle Peak Road - Yuen Long is the Pok Oi Hospital situated within the “Government, Institution or Community” zone on the approved Nam Sang Wai OZP No. S/YL-NSW/8; and
- (d) the storage uses in the vicinity are mostly suspected unauthorised development (UD) subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood 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 comments 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.
- (b) Should planning approval be given to the planning application, the lots owners 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. 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(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

### **Traffic**

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

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) His department shall not be responsible for the maintenance of any access connecting the Site and Long Ho Road.
- (b) Subject to TD's agreement to the vehicular access arrangement, the applicant should construct a run-in/out at Long Ho Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) The applicant shall be responsible for any modification of the existing street furniture for the proposed run-in/out. The proposed modification works should be submitted to TD/his department for comments before commencement of the modification work.
- (d) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

**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 planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (Code of Practice) issued by the Environmental Protection Department to minimise any potential environmental nuisances on the surrounding area.

**Nature Conservation**

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

- (a) He has no adverse comments on the application from nature conservation point of view.
- (b) The Site is a vacant land. A watercourse, which eventually leads to the ecologically sensitive Inner Deep Bay area, is

located to the southeast of the Site. The applicant should be advised to perform good site practice so as not to pollute the watercourse nearby.

### **Drainage**

9.1.6 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**

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be reminded of the detailed comments at **Appendix III**.

### **Building Matters**

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

The applicant should note the detailed comments at **Appendix III**.

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

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (West), Civil Engineering and Development Department

- (PM(W), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
  - (d) Commissioner of Police (C of P).

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

On 19.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual (**Appendix II**) objecting to the application on the grounds that it is a “destroy first, build later” case and questioned the appropriateness of the subject “R(C)” zoning for the Site and its vicinity.

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

- 11.1 The application is for a proposed temporary public vehicle park (excluding container vehicle) for a period of three years at a site zoned “R(C)” on the OZP. Although the applied use is not entirely in line with the planning intention of the “R(C)” zone, which is primarily for low-rise, low-density residential developments, the proposal could meet any such demand for parking in the area. As there are no known development programmes concerning the Site, approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the area.
- 11.2 The proposed use is considered not incompatible with the surrounding area which is predominantly rural residential with agricultural land and unused/vacant land (**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 and to note that the planning permission does not condone any other development/use not covered by the application.
- 11.4 There is one public comment received objecting to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 comment 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 15.9.2023. 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) a notice should be posted at a prominent location of the Site at all times to indicate that only private car, as defined in the Road Traffic Ordinance, is allowed to be parked on the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) 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;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) 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 15.3.2021;
- (g) 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 15.3.2021;
- (h) in relation to (g) 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 15.6.2021;
- (i) 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 15.3.2021;
- (j) in relation to (i) 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 15.6.2021;
- (k) in relation to (j) above, the implemented drainage facilities on the Site



shall be maintained at all times during the planning approval period;

- (l) the submission of a 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 15.3.2021;
- (m) in relation to (l) above, the implementation of the 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 15.6.2021;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) 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
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (l) or (m) 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 III**.

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

the proposed development is not in line with the planning intention of the "R(C)" zone, which is primarily intended for low-rise, low-density residential developments. 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**

**Appendix I**            Application Form with plans received on 12.6.2020

|                     |   |
|---------------------|---|
| <b>Appendix Ia</b>  | Supplementary Information received on 18.6.2020                 |
| <b>Appendix Ib</b>  | FI received on 11.8.2020  |
| <b>Appendix Ic</b>  | FI received on 17.8.2020  |
| <b>Appendix Id</b>  | FI received on 25.8.2020  |
| <b>Appendix II</b>  | Public Comment received during the Statutory Publication Period |
| <b>Appendix III</b> | Recommended Advisory Clauses                                    |
| <b>Drawing A-1</b>  | Vehicular Access Plan   |
| <b>Drawing A-2</b>  | Site 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  
SEPTEMBER 2020**