

RNTPC Paper No. A/YL-TT/509
For Consideration by
the Rural and New Town
Planning Committee
on 26.2.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/509

- Applicant** : Mr. TAM Kwok Chu represented by Ove Arup & Partners Hong Kong Ltd
- Site** : Lot 3307 in D.D. 120 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : About 710 m² (including GL of about 60 m² (about 8.5%))
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Private Vehicle Park and Shop and Services 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 private vehicle park and shop and services for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ and ‘Shop and Services’ (other than on the ground floor of a New Territories Exempted House (NTEH)) are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently vacant and vegetated (**Plans A-2 and A-4**) and does not involve any previous application.
- 1.2 According to the applicant, the proposal is mainly to serve the nearby villagers. Only drinks will be sold at the proposed shop. A staff will be stationed at the ticket office. No open storage, vehicle repairing, dismantling or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, and only vehicles with valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site; a notice will be posted at a prominent location of the Site at all times to the former effect. Plans showing the site layout and landscape proposal 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:

Site Area	About 710 m ² (including GL of about 60 m ² (about 8.5%))
Total Floor Area (Non-domestic)	About 72 m ²
No. and Height of Structure	1 • for ticket office and shop (5.2m, 2 storeys)
No. of Parking and Loading/Unloading Spaces	19 • for private car and goods van (2.5m x 5.5m each)
Operation Hours	24 hours daily

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

- (a) Application Form received on 3.11.2020 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 24.11.2020 (Appendix Ib) clarifying the proposed operation
- (d) FI received on 3.12.2020 responding to departmental (Appendix Ic) comments
- (e) FI received on 5.1.2021 responding to departmental (Appendix Id) comments and providing revised site layout plan and landscape proposal
- (f) FI received on 11.1.2021 providing replacement (Appendix Ie) pages
- (g) FI received on 1.2.2021 responding to departmental (Appendix If) comments
- (h) FI received on 9.2.2021 responding to departmental (Appendix Ig) comments
- (i) FI received on 16.2.2021 withdrawing the drainage (Appendix Ih) proposal and clarifying the site area
- (j) FI received on 18.2.2021 clarifying the proposed (Appendix Ii) operation and extent of GL involved
- (k) FI received on 22.2.2021 clarifying the proposed (Appendix Ij) operation and responding to departmental comments
[(c) to (k) exempted from publication and recounting requirements]

1.5 On 18.12.2020, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application for a period of two months, as requested by the applicant. Since 5.1.2021, FI have been received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and FI (Appendices Ia to Ij). They can be

summarised as follows:

- (a) The proposal could meet the local parking demand and alleviate illegal parking in the area by utilising the Site which is currently vacant and disturbed.
- (b) The temporary proposal will not jeopardise the long-term planning intention of the “V” zone. It is also compatible with the surrounding environment.
- (c) Ample buffer planting will be provided to minimise the visual impacts to nearby residents and to enhance the landscape and visual amenities. The applicant will properly manage the Site and the current environmental hygiene condition is expected to be improved.
- (d) The ingress/egress and dimension of parking spaces comply with the relevant requirements in the Hong Kong Planning Standards and Guidelines and Transport Planning and Design Manual. Adverse traffic, environmental and drainage impacts arising from the proposal are not expected.

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

The applicant is one of two “current land owners” and 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 publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous planning application concerning the Site.

6. Similar Applications

- 6.1 There are five approved and one rejected similar applications for vehicle park or shop and services uses within the subject “V” zone, of which three (No. A/YL-TT/45, 423, 433) were for vehicle park and the remaining three (No. A/YL-TT/310, 371, 455) were for shop and services. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

Rejected Application (1 Case)

- 6.2 Application No. A/YL-TT/45 for temporary lorry park was rejected by the Board on review in 1999 mainly on the considerations that the proposed development

was not in line with the planning intention of the “V” zone; not compatible with the surrounding areas; there was no information on vehicular access arrangement and the layout of the proposed lorry park; and approval of the application would set an undesirable precedent.

Approved Applications (5 Cases)

- 6.3 Applications No. A/YL-TT/310, 371 and 455 for temporary shop and services (real estate agency) on the same site were approved with conditions by the Committee between 2013 and 2019 each for a period of 3 years mainly on similar considerations that the approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone; and departmental concerns could be addressed by imposing approval conditions.
- 6.4 Applications No. A/YL-TT/423 and 433 for temporary private car vehicle park with/without other uses were approved with conditions by the Committee in 2018, mainly on similar considerations as specified in paragraph 6.3 above. However, the planning permissions for both applications were subsequently revoked in 2019 due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) abutting Sham Chung Road to its south; and
- (b) currently vacant and vegetated.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) rural residential in nature comprising predominantly village houses intermixed with scattered open storage/storage yards, a warehouse, a workshop, car parks, a kindergarten, shop and services, refuse collection point, agricultural land and vacant land/structures;
- (b) there are several residential structures in the immediate vicinity of the Site, with the main cluster of the village houses of Sham Chung Tsuen located to its immediate north; and
- (c) except for a storage yard to the south of the Site as well as two shop and services operating with valid planning permissions (No. A/YL-TT/445 and 455), the other open storage yard, warehouse, workshop, car parks and a real estate agency in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

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 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 comments on the application and public comments, where relevant, 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 GL and an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of GL (about 60m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) It is also noted that an access road connecting the lot and Sham Chung Road is proposed to be built on GL. There is no guarantee that a right-of-way over GL will be granted. In addition, according to the established practice, application of Short Term Tenancy for the purpose of access on GL will not be entertained, even if the planning application is approved by the Board.
- (d) Should planning approval be given to the planning application, the lots 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. Furthermore, the Applicant has to exclude the GL portion from the Site. 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.

- (e) There is no Small House application approved/under processing within the Site.

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) If the proposed access arrangement is agreed by Transport Department (TD), a proper road connection or run-in/out should be constructed to the satisfaction of TD and his department.
- (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 Sham Chung Road.

Environment

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

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 Use" (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

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 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 IV**.

Building Matters

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

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

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 (VRs) 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) Director of Agriculture, Fisheries and Conservation (DAFC);
- (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

10.1 On 10.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, nine public comments, including two supporting comments, six objecting comments and one comment providing views, were received.

Supporting Comments (2 Comments)

10.2 Two VRs of Shung Ching San Tsuen supported the application mainly on the grounds that the application could meet the local parking demand; alleviate illegal parking in the area; and improve the conditions of the Site (**Appendices III-1 and III-2**).

Objecting Comments (6 Comments)

- 10.3 A member of Yuen Long District Council (**Appendix III-3**) and five individuals (**Appendices III-4 to III-8**) objected to the application mainly on the grounds that the proposal with additional traffic would affect the living quality and safety of nearby villagers; cause environmental nuisances; create pedestrian-vehicle conflict; attract outsiders/vice activities to the area; affect the various utilities underneath the GL of the Site; and the area zoned “V” is not suitable for commercial uses.

Comment Providing Views (1 Comment)

- 10.4 An individual opined that the GL of the Site should be used for government, institution and community uses; and that villagers should park their cars beneath their own houses (**Appendix III-9**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private vehicle park and shop and services for a period of 3 years at the Site zoned “V” on the OZP. Although the proposed 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 and local shop 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 on a temporary basis for three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The surrounding areas comprise predominantly village houses intermixed with car parks, shop and services and open storage/storage yards (**Plan A-2**). The development is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment on the application from concerned government departments, including C for T, CE/MN, DSD and DEP. Taking into account the proposed vehicle park for private cars and goods vans as well as the small scale of the proposed shop, adverse traffic, drainage and environmental impacts arising from the proposal are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to minimise any potential environmental nuisances or to address local concerns or the technical requirements of other concerned government 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 planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 11.4 There are five approved similar applications within the subject “V” zone, approval of the current application is generally in line with the Committee’s previous decisions. There was one similar application (No. A/YL-TT/45)

rejected by the Board on review mainly on the grounds, amongst others, that the proposed lorry park was not compatible with the surrounding areas; and the vehicular access arrangement and parking layout were not provided. However, such considerations are generally not applicable to the current application as the current proposal is mainly for parking of private cars and goods vans which is considered not incompatible with the surrounding uses; and C for T has no adverse comments on the current application. There is no previous application concerning the Site.

- 11.5 There were nine public comments received on the application during the statutory publication period 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 summarised 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 26.2.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site 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 26.8.2021;

- (g) the submission of a run-in/out proposal within **6** months from the date of the planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board by 26.8.2021;
- (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 Commissioner for Transport and Director of Highways or of the Town Planning Board by 26.11.2021;
- (i) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.8.2021;
- (j) in relation to (i) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.11.2021;
- (k) 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 26.8.2021;
- (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 26.11.2021;
- (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 IV**.

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

the proposed use is not in line with the planning intention of the “V” zone which is intended primarily 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 3.11.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 24.11.2020
Appendix Ic	FI received on 3.12.2020
Appendix Id	FI received on 5.1.2021
Appendix Ie	FI received on 11.1.2021
Appendix If	FI received on 1.2.2021
Appendix Ig	FI received on 9.2.2021
Appendix Ih	FI received on 16.2.2021
Appendix Ii	FI received on 18.2.2021
Appendix Ij	FI received on 22.2.2021
Appendix II	Similar Applications within the subject “V” Zone on the OZP
Appendices III-1 to III-9	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Landscape Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**