

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/777

<u>Applicant</u>	Anson Technology Limited represented by LCH Planning & Development Consultants Limited
<u>Site</u>	Lot 1508 S.A RP in D.D. 83, Lung Yeuk Tau, Fanling, New Territories
<u>Site Area</u>	About 843.1m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
<u>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a proposed temporary public vehicle park (private cars only) for a period of three years (**Plan A-1**). The Site falls within an area zoned “AGR” on the OZP. According to the Notes of the OZP, temporary use not exceeding a period of three years within “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and fenced off.
- 1.2 According to the applicant’s submission, there will be 21 parking spaces for private cars (2.5 m x 5m each) within the Site. Two structures including a two-storey container for site office and an open shed structure with ancillary solar panel on top to supply electricity of the proposed development (covering 4 parking spaces) at the southeastern and eastern parts of the Site respectively (with a total floor area of 116m² and height in 5.3 m) (**Drawing A-1**). The car park operates on a monthly rental basis for local residents and visitors 24 hours a day. The ingress/egress point is located at the southern boundary of the Site. The Site is accessible via Sui Wan Road leading to Sha Tau Kok Road – Lung Yeuk Tau (**Plan A-2**). The applicant estimates that there will be less than 25 vehicular trips per day as most vehicles exit and enter the Site approximately once per day. The proposed site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous planning application (No. A/NE-LYT/706) covering a

slightly larger site area of 895m² submitted by the same applicant for the same use which was approved by the Rural and New Town Planning Committee (the Committee) on 6.9.2019. Details of previous applications are set out in paragraph 5 below.

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

- (a) Application Form with attachments received on 13.10.2022 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Drainage Proposal **(Appendix Ib)**
- (d) Further Information (FI) received on 28.11.2022 **(Appendix Ic)**
- (e) FI received on 20.12.2022 **(Appendix Id)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in supplementary Planning Statement at **Appendix Ia**, as summarized below:

- (a) the proposed development, situated at a convenient location near the intersection of Sha Tau Kok Road- Lung Yeuk Tau and Sui Wan Road, could cater for the high demand of parking spaces in the village clusters of Lung Yeuk Tau, primarily serving local residents and visitors;
- (b) the proposed development could reduce illegal parking along village roads and minimize traffic congestion resulting from improper parking of vehicles on Sui Wan Road and adjacent village roads;
- (c) approval of the application on a temporary basis would not jeopardize the long-term planning intention of “AGR” zone. The site is hard paved which could fully utilise land resources for the proposed development;
- (d) with previous approval granted to the Site and similar applications found in the vicinity, the proposed development is not incompatible with the surrounding land uses; and
- (e) adverse environmental, traffic and drainage impacts are not anticipated.

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

The applicant is the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Applications

- 4.1 The Site is the subject of two previous applications (No. A/NE-LYT/281 and A/NE-LYT/706). The previous application No. A/NE-LYT/281 was proposed for a different use (i.e. temporary open storage of washroom accessories) for a period of three years rejected by the Committee on 13.8.2004, which is not relevant to the application.
- 4.2 For the application No. A/NE-LYT/706, with slightly larger site area of 895m² submitted by the same applicant for the same use for a period of three years, it was approved with conditions by the Committee on 6.9.2019 mainly on consideration that the development was not incompatible with the surrounding land uses and would unlikely cause any significant adverse traffic, drainage, environmental and landscape impacts on the

surrounding areas; and there were similar applications in the vicinity of the Site. However, the planning permission lapsed on 7.9.2022.

- 4.3 Compared with the previous application No. A/NE-LYT/706, while the number of vehicle parking spaces remains unchanged, the number of temporary structures and the total floor area have increased from 1 to 2, and from 60m² to 116m² (i.e. + 56m²) respectively while the site area has reduced from 895m² to 843.1m² (i.e. -52m²).
- 4.4 Details of the previous applications are at **Appendix II** and their locations are shown on **Plan A-1**.

5. Similar Applications

- 5.1 There are five similar applications (No. A/NE-LYT/560, 662, 689, 704 and 747) involving three sites for temporary public vehicle park use within the same “AGR” zone in the vicinity of the Site (**Plan A-1**).
- 5.2 Three similar applications (No. A/NE-LYT/560, 662 and 747) to the immediate east of the Site involving the same site for temporary public vehicle park for private cars and light goods vehicles/ renewal of the same applied use for a period of three years were approved by the Committee between 2015 and 2021 mainly on considerations that the developments were not incompatible with the surrounding land uses; would unlikely cause any significant adverse impacts on the traffic, environment, drainage and landscape of the area; there were previous planning approvals granted on the site for the same use and the applicants had complied with all approval conditions; and there was no adverse comment from concerned departments.
- 5.3 The other two similar applications No. A/NE-LYT/689 and 704 to the southeast of the Site for temporary public vehicle parks for a period of three years were approved by the Committee in 2019 mainly on the similar grounds as mentioned in paragraph 6.2 above.
- 5.4 Details of these similar applications are summarized at **Appendix III** and the locations are shown on **Plan A-1**.

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

- 6.1 The Site is:
 - (a) hard paved, fenced off, and currently vacant; and
 - (b) accessible from Sha Tau Kok Road – Lung Yeuk Tau via Sui Wan Road (**Plan A-2**).
- 6.2 The surrounding areas have the following characteristics:
 - (a) situated at the fringe of Lung Yeuk Tau with village houses to the north, west and south, and car park to its east intermixed with some temporary structures (**Plan A-2**);
 - (b) to the immediate east are some temporary domestic structures and a car park under approved application No. A/NE-LYT/747;

- (c) to the immediate west are village houses and the village office and to the further west across Sha Tau Kok Road – Lung Yeuk Tau is the village development of San Uk Tsuen; and
- (d) to the immediate south are village houses of Wing Ning Wai.

7. Planning Intention

The planning intention of the “AGR” zone in the Lung Yeuk Tau and Kwan Tei South area is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8. Comments from Relevant Government Departments

- 8.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and advisory comments are at **Appendices IV and V** respectively.
- 8.2 The following government department does not support the application:

Agriculture

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

the Site falls within the “AGR” zone and is vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.

- 8.3 The following government department has relayed the local views on the application:

District Officer’s Comments

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

she has consulted the locals regarding the application. The incumbent North District Councilor of N18 Constituency and one Resident Representative (RR) of Lung Yeuk Tau support the application as the proposed use could cater for the parking need of villagers and alleviate illegal parking on roadside. The Chairman and Vice-Chairman of Fanling District Rural Committee and one RR of Lung Yeuk Tau object to the application mainly on the grounds of adverse environmental and traffic impacts. The Chairman of Lung Shun Area Committee and one RR of Lung Yeuk Tau did not reply by deadline.

9. Public Comments Received During Statutory Publication Period (Appendix VI)

The application and relevant FI were published for public inspection. During the statutory publication periods, a total of 33 public comments were received. The Chairman of Sheung Shui District Rural Committee has no comment on the application. The Chairman, First Vice-Chairman, Vice-Chairman of Fanling District Rural Committee, one representative of Lung Yeuk Tau Village (attached with 47 signatures from other villagers) and individuals object to the application mainly on the grounds that the proposed use would cause adverse impact on drainage, environment, existing traffic and pedestrian safety, and the proposed use was considered as inappropriate use of “AGR” site. The remaining 20 comments from 18 individuals and two representatives of Lung Yeuk Tau Village support the application as the proposed use could cater for the pressing demand for parking spaces in nearby area and thus alleviate illegal parking on roadside; adverse environmental and drainage impacts are not anticipated and the vacant land could be optimized for the proposed use.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed temporary public vehicle park for a period of three years at the Site zoned “AGR” on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural development point of view. Nevertheless, the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone.
- 10.2 The Site is located to the immediate north of the Wing Ning Wai and near the existing village houses, temporary structures and car park (**Plans A-2 and A-3**). The proposed development is considered not incompatible with the surrounding land uses. Since adverse landscape impact arising from the development is not anticipated, Chief Town Planner/Urban Design & Landscape Section, PlanD has no objection on the application from landscape planning perspective.
- 10.3 Commissioner for Transport and CE/MN, DSD have no comment on/no in-principle objection to the application from traffic engineering and drainage viewpoints respectively. Noting that the Site will not involve parking of heavy goods vehicle and container truck, DEP advises that the applicant should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances, should the application be approved. Other relevant government departments consulted including CE/C of WSD and D of FS, have no adverse comment on or no objection to the application. Approval conditions are suggested in paragraph 12.2 below to address the requirements of relevant departments.
- 10.4 The Site is the subject of a previous approved application (No. A/NE-LYT/706) for same temporary use, which was approved with conditions on 6.9.2019 for a period of three years by the Committee on 6.9.2019 and that planning permission lapsed on 6.9.2022. All of the approval conditions have been complied with. The current application is slightly different from the previous application as stated in paragraph 5.3 above. There has been no major change in the planning circumstances of the area since the approval of the previous application.

- 10.5 There are five similar applications involving three sites for temporary vehicle park within the same “AGR” zone (**Plan A-1**), which are all approved by the Committee. The planning circumstances of the current application are similar to those applications as detailed in paragraph 5 above.
- 10.6 Regarding the local and public comments as detailed in paragraphs 8.3 and 9 above respectively, the government departments’ comments and planning assessments above are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the local and public comments mentioned in paragraphs 8.3 and 9, the Planning Department considers that the temporary use under application could be tolerated for a period of 3 years.
- 11.2 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 three years until 13.1.2026. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.7.2023;
- (d) in relation to (c) above, the provision of drainage facilities 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 13.10.2023
- (e) in relation to (d) above, the implemented drainage facilities at the Site shall be maintained properly at all times during the planning approval period;
- (f) 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 13.7.2023;
- (g) in relation to (f) 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 13.10.2023;
- (h) if any of the above planning conditions (a), (b) or (e) 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

- (i) if any of the above planning conditions (c), (d), (f) or (g) 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 at **Appendix V**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention of "AGR" zone, even on a temporary basis.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application form with attachments received on 13.10.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Drainage Proposal
Appendix Ic	FI received on 28.11.2022
Appendix Id	FI received on 20.12.2022
Appendix II	Previous Applications
Appendix III	Similar s.16 Applications within the same "AGR" zone in the Vicinity of the Site in Lung Yeuk Tau and Kwan Tei South Area
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos