

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/826

<u>Applicant</u>	:	Yicko Investment Consultants & Management Limited
<u>Site</u>	:	Lots 807 S.E, 827 RP (Part) and 828 RP in D.D. 83, Lung Yeuk Tau, Fanling, New Territories
<u>Site Area</u>	:	About 900m 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>	:	“Residential (Group C)” (“R(C)”)
<u>Application</u>	:	Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (private car only) for a period of three years at the application site (the Site), which falls within an area zoned “R(C)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is formed, hard-paved and currently largely vacant (**Plan A-4**).
- 1.2 The Site, with an ingress/egress at its west, is accessible from Sha Tau Kok Road – Lung Yeuk Tau via Dao Yang Road (**Plans A-1 and A-2**). According to the applicant, the proposed use is for a temporary private vehicle park serving the nearby residents. There will be 34 private car parking spaces (5m (L) x 2.5m (W) each) at the Site (**Drawing A-1**). The operation hours of the proposed use are 24 hours daily (including public holidays). No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site. Only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site. The existing entrance gate will be removed. Sufficient manoeuvring space is provided within the Site and there would be no queuing or waiting of vehicle from the Site onto the access road (i.e. Dao Yeung Road).

Traffic management measures including provision of (i) ‘left-in/right-out’ signage at the ingress/egress of the Site and nearby road junctions; and (ii) road markings giving orders within the Site, will be imposed to direct the vehicle to access the Site from Sha Tau Kok Road – Lung Yeuk Tau via Dao Yang Road. Other traffic management measures such as traffic safety mirror, traffic signals and ‘stop’ signage will also be provided at the Site to improve the pedestrian safety of the area. The layout plan submitted by the applicant is in **Drawing A-1**.

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

- (a) Application Form with attachments received on 8.4.2024 (Appendix I)
- (b) Further Information (FI) received on 15.7.2024[^] (Appendix Ia)
- (c) FI received on 11.9.2024[^] (Appendix Ib)
- (d) FI received on 4.10.2024[^] (Appendix Ic)
- (e) FI received on 23.10.2024[^] (Appendix Id)

[^] *accepted and exempted from the publication and recounting requirements*

1.4 On 7.6.2024 and 8.9.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant’s request to defer making a decision on the application for two months each to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Id** as summarised below:

- (a) the application is for a proposed temporary private vehicle park serving the nearby residents to address the pressing parking demand of the area;
- (b) the proposed use would not result in adverse traffic impact on the surrounding areas. Besides, the applicant will impose various traffic management measures to ensure the proper use of the proposed temporary vehicle park and pedestrian safety of the area (paragraph 1.2 refers); and
- (c) no adverse environmental, drainage and landscape impacts on the surrounding areas are anticipated.

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

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

4. Background

The Site is subject to planning enforcement action (No. E/NE-LYT/282) against an unauthorised development (UD) involving use for place for parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 5.1.2024 requiring discontinuation of the UD by 5.3.2024. Since the UD has not been discontinued upon expiry of the notice, prosecution action is being taken by the Planning Authority.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There were six similar applications (No. A/NE-LYT/752, 775, 806, 820, 825 and 834) involving four sites for temporary private/public vehicle park within the same “R(C)” zone or straddling the same “R(C)” zone and “AGR” zone on the OZP in the vicinity of the Site in the past five years. They were all approved with conditions by the Committee between 2021 and 2024 mainly on the considerations that it would not frustrate the long-term planning intention or it could be tolerated; it was not incompatible with the surrounding areas; there was no major adverse departmental comment or their concerns could be addressed by relevant approval conditions; and no significant adverse traffic, drainage, environmental and landscape impacts from the proposed/applied use was anticipated.
- 6.2 Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) formed, hard-paved and currently largely vacant; and
 - (b) abutting Dao Yang Road to the west, which is a local access road under private ownership mainly serving Ma Liu Shui San Tsuen, leading to Sha Tau Kok Road – Lung Yuek Tau and Hai Wing Road.
- 7.2 The surrounding areas are of rural character mainly comprising low-rise and low-density residential houses/domestic structures, storages/warehouses, workshops and vacant/unused land with vegetation. To the further south across Hai Wing Road is Ma Miu Shui San Tsuen.

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 Apart from the government department as set out in paragraph 9.2, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices III** and **IV** respectively.
- 9.2 The following government department has conveyed local views on the application:

District Officer's Comments

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

- (a) the Chairman, First Vice Chairman and Vice Chairman of Fanling District Rural Committee object to the application as the proposed use would induce adverse traffic impact on Hai Wing Road and Dao Yang Road, resulting in a worse traffic condition of Hai Wing Road. They also advise that the traffic flow of the area shall be reviewed under the current application; and
- (b) a member of North District Council (NDC) supports the application. Six NDC members have no comment on the application. The Indigenous Inhabitant Representative of Ma Liu Shui San Tsuen advises that it would be more appropriate for the user of the private vehicle park to access the Site through Dao Yeung Road instead of Hai Wing Road.

10. Public Comments Received During Statutory Publication Period

On 19.4.2024, the application was published for public inspection. During the statutory public inspection period, seven public comments were received (**Appendix V**). Four comments from the Chairman, First Vice-Chairman, Vice-Chairman of Fanling District Rural Committee and an individual object to the application mainly on the ground that the proposed use would induce adverse traffic impact on Hai Wing Road and Dao Yang Road, resulting in a worse traffic condition of Hai Wing Road. One comment from an individual advises that it would be more appropriate for the vehicles to access the Site through Dao Yang Road instead of Hai Wing Road, while another comment from an individual queries on the current status of the proposed use at the Site. The remaining one from a member of NDC indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private vehicle park (private car only) for a period of three years at the Site zoned "R(C)" on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the "R(C)" zone, the applicant advises that it could serve the parking needs of the nearby residents. Besides, there is no known development proposal for the Site. In this regard, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "R(C)" zone.

- 11.2 The Site, abutting Dao Yang Road to the west leading to Sha Tau Kok Road – Lung Yeuk Tau, is formed, hard-paved and currently largely vacant. The proposed use is considered not incompatible with the surrounding areas which are of rural character mainly comprising low-rise and low-density residential houses/domestic structures, storages/warehouses, workshops and vacant/unused land with vegetation.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport (C for T), Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no comment on the application from traffic, environmental, drainage and fire safety aspects respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental nuisance on the surroundings.
- 11.4 There were six approved similar applications for temporary private/public vehicle park within the same “R(C)” zone or straddling the same “R(C)” zone and “AGR” zone as detailed in paragraph 6 above. The planning circumstances of the current application are similar to those of the approved applications. As such, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments and the local views/comments as conveyed by DO(N), HAD in paragraphs 10 and 9.2 respectively, government departments’ comments and planning assessments above are relevant. Regarding the public /local comments on the traffic condition of Hai Wing Road, the applicant advises that the vehicles would access to the Site from Sha Tau Kok Road – Lung Yeuk Tau via Dao Yang Road. Relevant traffic management measures as detailed in paragraph 1.2 above are proposed by the applicant. Should the application be approved, relevant approval conditions related to the traffic management measures are recommended in paragraphs 12.2(f) and (g) below.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments and the local views/comments as conveyed by DO(N), HAD in paragraphs 10 and 9.2 respectively, the Planning Department considers that the proposed use could be tolerated for a period of three 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 three years until 8.11.2027. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) 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 8.5.2025;
- (b) in relation to (a) 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 8.8.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 8.5.2025;
- (e) in relation to (d) 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 8.8.2025;
- (f) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 8.8.2025;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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 condition (a), (b), (d), (e) or (f) 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 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 "R(C)" zone which is primarily for low-rise, low-density residential developments. There is no strong planning justification 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 the 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 Attachments received on 8.4.2024
Appendix Ia	FI received on 15.7.2024
Appendix Ib	FI received on 11.9.2024
Appendix Ic	FI received on 4.10.2024
Appendix Id	FI received on 23.10.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix IVa	"Requirements of Fireman's Emergency Switch" issued by Fire Services Department
Appendix V	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

**PLANNING DEPARTMENT
NOVEMBER 2024**