

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/STT/12

- Applicant** : Mr. MAN Kwei Nam represented by Metro Planning and Development Company Limited
- Site** : Lots 733 S.D ss.11 S.A (Part), 733 S.D ss. 11 S.B, 733 S.D ss.11 S.C, 733 S.D ss.11 S.D, 733 S.D ss.11 S.E and 733 S.D ss.11 S.F in D.D. 99, Yan Shau Wai, San Tin, Yuen Long
- Site Area** : About 830m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) for a period of three years at the application site (the Site) which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “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 and A-4**).
- 1.2 The Site is accessible from a local access leading from Tung Wing On Road connecting to Castle Peak Road – San Tin (**Plan A-2**), with an ingress/egress (about 7m wide) at the southeastern part of the Site. According to the applicant, the applied use provides 35 private car parking spaces (each of 5m x 2.5m) and a single-storey guard room (about 3m in height) with a gross floor area of about 20m² (**Drawing A-1**). The applied use operates 24 hours from Mondays to Sundays including public holidays. No vehicle without valid licences issued under the Road Traffic Regulation is permitted to park and no workshop activity will be carried out at the Site.
- 1.3 The Site is the subject of a previous application No. A/YL-ST/587 for the same use at the same site with the same layout submitted by the same applicant of the current application,

which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 14.5.2021. All approval conditions were complied with and the planning permission lapsed on 15.5.2024 (details at paragraph 6 below).

- 1.4 In support of the application, the applicant has submitted the Application Form with attachments and Supplementary Information (SI) which were received on 10.10.2024 and 16.10.2024 respectively (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendix I**. They can be summarised as follows:

- (a) The applied use is for the parking of private cars only. It is in line with the planning intention of the “V” zone and compatible with the surrounding environment.
- (b) There is insufficient supply to meet the exigent car parking demand in Yan Shau Wai. New Territories Exempted Houses (NTEHs) were built without vehicular access and vehicles can only park at roadside areas. The applied use could meet the parking demand from nearby villagers.
- (c) The applied use is small in scale and will not generate significant amount of traffic. The applied use will not cause adverse traffic, noise and environmental impacts.
- (d) A proposed fire service installations (FSIs) plan and a drainage assessment have been submitted to demonstrate that the applied use will not induce adverse fire safety and drainage impact.
- (e) Similar applications, such as application No. A/YL-ST/531, have been approved in the same “V” zone.

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

The applicant is one of the “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. 31B) by obtaining owners’ consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Site is located in the Wetland Buffer Area (WBA) (**Plan A-1**) in Deep Bay Area. The Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) is relevant to the application and the relevant extracts of which are at **Appendix II**.

5. Background

The Site is not subject to any active planning enforcement action.

6. **Previous Application**

- 6.1 The Site is the subject of a previous application No. A/YL-ST/587 submitted by the same applicant at the same site for the same use with the same layout. The application was approved by the Committee on 14.5.2021 for a period of three years mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; and there was no objection to or no adverse comment from concerned government departments. All approval conditions were complied with and the planning permission lapsed on 15.5.2024.
- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. **Similar Applications**

- 7.1 During the past five years, there were five similar applications (No. A/YL-ST/579, 583, 606, 608 and 624) for temporary public vehicle park within the subject “V” zone¹ on the OZP. All applications were approved with conditions by the Committee between 2021 and 2022 mainly on the similar considerations as stated in paragraph 6.1 above.
- 7.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) currently occupied by the applied use without valid planning permission;
 - (b) accessible from the southeast via a local access leading from Tung Wing On Road connecting to Castle Peak Road – San Tin; and
 - (c) located within the WBA in Deep Bay Area.
- 8.2 The surrounding areas are occupied predominantly by village houses/residential structures, pumping station, vehicle parks and vacant land.

9. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized 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

¹ These similar applications fell within the same “V” zone on the then approved San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V**.

10.2 The following government department supports the application:

Traffic

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

- (a) he supports the planning application as the temporary public vehicle park could meet the public demand for vehicle parking spaces; and
- (b) advisory comments are detailed in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 18.10.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary public vehicle park (private cars) for a period of three years at the Site zoned “V” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “V” zone, which is primarily for development of Small Houses by indigenous villager, the applicant advises that the applied use could meet the local parking demand from the nearby villagers. According to the District Lands Officer/Yuen Long of Lands Department, there is currently no Small House application approved or under processing at the Site. Besides, C for T supports the application as it could meet the public demand of vehicle parking spaces. The applied use of temporary nature would not adversely affect the land availability for NTEH/Small House within the “V” zone in the long term. It is considered that the approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

12.2 Given its small scale and nature of serving the local community, the applied use is considered not incompatible with the surrounding land uses which are predominantly village houses/residential structures, vehicle parks, pumping station and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective as further adverse landscape impact arising from the applied use at the Site is not anticipated.

12.3 The Site falls within the WBA in Deep Bay Area under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the

requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.

- 12.4 Other relevant government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 12.5 Given that the Site is the subject of a previous approval for the same use with the same layout and there are five approved similar applications within the same "V" zone in the past five years as mentioned in paragraphs 6 and 7 above, approving the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, PlanD has no objection to the application.
- 13.2 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 6.12.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of records of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2025;
- (c) the implementation of the accepted 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 6.9.2025;
- (d) if the above planning condition (a) 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
- (e) if any of the above planning condition (b) or (c) 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 V**.

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

the applied use is not in line with the planning intention of the "Village Type Development" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion and land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 10.10.2024 and SI received on 16.10.2024
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
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
DECEMBER 2024**