

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

**APPLICATION NO. A/TM-LTY Y/432**

- Applicant** : Able Creation Management Limited represented by Mr Wong Sun Wo William
- Site** : Lots 1156 RP (Part), 1157 (Part) and 1158 (Part) in D.D.130 and Adjoining Government Land (GL), Wong Kong Wai Road, Lam Tei, Tuen Mun, New Territories
- Site Area** : About 1,122 m<sup>2</sup> (including GL of about 60 m<sup>2</sup> (about 5.35%))
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/12 (currently in force)
- Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/11 (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) including car park]*
- [no change in zoning and restrictions of the application site on the current OZP]*
- Application** : Temporary Public Vehicle Park (Private Cars Only) with Ancillary Office and Guard Room for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (private cars only) with ancillary office and guard room for a period of five years (**Plan A-1a**). According to the Notes for “R(C)” zone on the OZP, ‘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 used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Wong Kong Wai Road. According to the applicant,

only private cars would be allowed to enter/be parked in the temporary public vehicle park under application. No vehicle repair, dismantling, car beauty, car washing and workshop use will be carried out at the Site. The site plan, the layout plan, the drainage plan, the fire service installations (FSIs) proposal and vehicular access plan are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of two previous applications (No. A/TM-LTY Y/379 and 380) approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 (details at paragraph 5 below) (**Plan A-1b**).
- 1.4 Compared with the last relevant application, the current application is submitted by the same applicant for the same use at the Site with a larger site area and changes in development parameters and operation hours. The major development parameters of the current application and the last previously approved application are summarised as follows:

| <b>Major Development Parameters</b> | <b>Last Approved Application No. A/TM-LTY Y/379 (a)</b>                   | <b>Current Application No. A/TM-LTY Y/432 (b)</b>                         | <b>Difference (b)-(a)</b>                    |
|-------------------------------------|---|---|--|
| Applied Use                         | Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years | Temporary Public Vehicle Park (Private Cars Only) for a Period of 5 Years | No change in use with lengthy approval years |
| Site Area                           | About 763 m <sup>2</sup>  | About 1,122 m <sup>2</sup>  | + 359 m <sup>2</sup>                         |
| Gross Floor Area (GFA)              | About 30 m <sup>2</sup>   | About 48 m <sup>2</sup>   | + 18 m <sup>2</sup>                          |
| Number of Structures                | 2<br>(1 ancillary office and 1 portable toilet)                           | 3<br>(1 ancillary office, guide room and 1 toilet)                        | +1   |
| Maximum Building Height             | Not exceeding 3.5m and 1 storey   | Not exceeding 3.5m and 1 storey   | No change                                    |
| Car Parking Space                   | 19 (5m x 2.5m) (for private cars only)                                    | 28 (5m x 2.5m) (for private cars only)                                    | + 9 parking spaces                           |
| Operation hours                     | 7:00 a.m. to 11:00 p.m. daily   | 24 hours daily (including Sundays and public holidays)                    | Lengthened                                   |

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)** 25.7.2022
  - (b) Further information (FI) received on 23.11.2022\* **(Appendix Ia)**
  - (c) FI received on 9.1.2023 \* **(Appendix Ib)**
  - (d) FI received on 13.3.2023\* **(Appendix Ic)**
  - (e) FI received on 21.3.2023\* **(Appendix Id)**

- (f) FI received on 6.4.2023\* (Appendix Ie)
- (g) FI received on 27.4.2023\* (Appendix If)  
*\*[accepted and exempted from publication and recounting requirements]*

1.6 On 23.9.2022 and 13.1.2023, the Committee agreed to defer consideration of the application for two months respectively as requested by the applicant.

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

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

- (a) The previous application (A/TM-LTYT/379) was revoked due to non-compliance with approval conditions and the approval for carrying out drainage works. Application for Extension of Time (EoT) was delayed and not submitted as the applicant was infected during the outbreak of COVID-19. The concerned public drainage works near the Site were subsequently completed. Should the application be approved, the applicant would implement the drainage proposal and the proposed run-in/out promptly.
- (b) Consent for enlarging the Site area for the applied use has been obtained from the concerned land owner.

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

For the private land portion of the Site, 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 giving notification to the current land owner. 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**

- 4.1 The Site is currently not a subject of any planning enforcement action. Should there be sufficient evidence to prove that unauthorized development (UD) has taken place at the Site, planning enforcement action may follow up.
- 4.2 The Site falls within the study boundary of an engineering feasibility study (EFS) for the proposed public housing development at Nai Wai, Tuen Mun which is being carried out by CEDD.

## **5. Previous Application**

- 5.1 The Site involves two previous applications (No. A/TM-LTYT/379 and 380). Application No. A/TM-LTYT/380 is for proposed temporary shop and services (pet supplies and food shop) which is not relevant to the current application.

Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

- 5.2 Application No. A/TM-LTYT/379 for temporary public vehicle park (private cars only) with ancillary office for a period of three years covering majority of the Site submitted by the same applicant was approved with conditions by the Committee on 13.12.2019 on considerations that the development being not incompatible with surrounding land uses and no significant adverse traffic, drainage, landscape and environmental impacts on the surrounding areas was anticipated.
- 5.3 The permission was subsequently revoked on 13.1.2022 due to non-compliance of time-limited approval conditions regarding the submission and implementation of drainage proposals and the implementation of run-in/out and FSIs proposals.

## **6. Similar Application**

There is no similar application within the same “R(C)” zone on the OZP.

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

7.1 The Site is:

- (a) paved and currently used for the applied use without valid planning permission; and
- (b) accessible from Wong Kong Wai Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the east and southeast are warehouses and an open storage yard which are suspected UDs;
- (b) to the south and southwest are storage yards, Wong Kong Wai Road, Kong Sham Western Highway, beneath which are parking of vehicles and an open storage yard which are suspected UDs; and
- (c) to the west, northwest and north are the Lam Tei Pet Garden, scattered residential dwellings, vacant land and storage/open storage yards which are suspected UDs.

## **8. Planning Intention**

The “R(C)” zone is intended 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 views on the application are summarised as follows:

### Land Administration

#### 9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) she has no adverse comment on the application.
- (b) site inspection revealed that unauthorised structures were erected on the subject site. The layout of existing structures does not entirely tally with the proposal; and.
- (c) the applicant should note his advisory comments at **Appendix IV**.

9.2 Other relevant government 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 III** and **IV** respectively.

### **10. Public Comments Received During Statutory Publication Period**

The application was published for public inspection on 2.8.2022. During the statutory public inspection period, two public comments from two individuals were received (**Appendices V-1 to V-2**). One commenter objects to the application on pollution and fire safety grounds that the applied use would adversely affect villagers' safety and quality of life. The other commenter raises concern that the Site has gone through a series of applications and is expanding.

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

11.1 The application is for temporary public vehicle park (private cars only) with ancillary office for a period of five years at a site zoned "R(C)" on the OZP. Whilst the proposed development is not entirely in line with the planning intention of the "R(C)" zone, there is currently no development proposal to implement the zoned use of the Site. The proposed use could also provide car parking spaces to serve any such demand in the area. As advised by the Project Team Leader, Housing Projects Unit, Civil Engineering and Development Department (PTL/Housing, CEDD), while the Site has encroached onto the boundary of the proposed public housing development at Nai Wai, Tuen Mun under an EFS, he has no adverse comment on the application. The applicant would be advised that the Site might be subject to land resumption for the implementation of the proposed public housing development which might take place at any time before the expiry of the temporary approval (**Appendix IV**). As such, approval of the application on a temporary basis would not jeopardise the long-term development at the area.

11.2 The Site is mainly surrounded by warehouses and storage, open storage yards, as well as residential dwellings to its north and east and a pet garden to its west (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.

11.3 Relevant government departments, including the Commissioner for Transport (C

for T), Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), Director of Environmental Protection (DEP) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. Adverse traffic, environmental, drainage and fire safety impacts on the surrounding area are not envisaged. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.

- 11.4 The last application (No. A/TM-LTYT/379) for the same use as the current application was approved with conditions for a period of three years by the Committee on 13.12.2019. However, the planning permission was revoked on 13.1.2022 due to non-compliance of time-limited approval conditions regarding the submission and implementation of drainage proposals and the implementation of run-in/out and FSIs proposals. The current application is submitted by the same applicant for the same use at the Site with a larger site area and changes in development parameters and operation hours. The applicant has submitted drainage, FSIs and run-in/out proposals for the current application, and CE/MN of DSD, D of FS and C for T have no objection to / no adverse comment on the application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.
- 11.5 The Committee has approved a previous application for the same use at part of the Site on considerations that the development being not incompatible with surrounding land uses and no significant adverse traffic, drainage, landscape and environmental impacts on the surrounding areas was anticipated, approval of the current application is in line with the previous decisions of the Committee.
- 11.6 There are two public comments objecting to / expressing concerns on the application mainly on grounds stated in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, 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 five years until 5.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) 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 5.11.2023;

- (b) in relation to (a) 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 5.2.2024;
- (c) in relation to (b) above, the implemented drainage facilities 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 the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.11.2023;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.2.2024;
- (f) if the above planning conditions (c) 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
- (g) if any of the above planning conditions (a), (b), (d) or (e) 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 applied use is not in line with planning intention of the "R(C)" zone, which is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. No strong planning justification has been given in the submission for a departure from such 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**

|                              |   |
|------------------------------|---|
| <b>Appendix I</b>            | Application Form with attachments received on 25.7.2022 |
| <b>Appendix Ia</b>           | Further Information (FI) received on 23.11.2022         |
| <b>Appendix Ib</b>           | FI received on 9.1.2023                                 |
| <b>Appendix Ic</b>           | FI received on 13.3.2023                                |
| <b>Appendix Id</b>           | FI received on 21.3.2023                                |
| <b>Appendix Ie</b>           | FI received on 6.4.2023                                 |
| <b>Appendix If</b>           | FI received on 27.4.2023                                |
| <b>Appendix II</b>           | Previous Applications                                   |
| <b>Appendix III</b>          | Government Departments' General Comments                |
| <b>Appendix IV</b>           | Recommended Advisory Clauses                            |
| <b>Appendices V-1 to V-2</b> | Public Comments   |
| <br>                         |   |
| <b>Drawing A-1</b>           | Site Plan   |
| <b>Drawing A-2</b>           | Proposed Layout Plan                                    |
| <b>Drawing A-3</b>           | Proposed Drainage Plan                                  |
| <b>Drawing A-4</b>           | Proposed Fire Service Installations Plan                |
| <b>Drawing A-5</b>           | Proposed Vehicular Access Plan                          |
| <b>Plan A-1a</b>             | Location Plan   |
| <b>Plan A-1b</b>             | Previous Applications Plans                             |
| <b>Plan A-2</b>              | Site Plan   |
| <b>Plan A-3</b>              | Aerial Photo  |
| <b>Plan A-4</b>              | Site Photos   |

**PLANNING DEPARTMENT  
MAY 2023**