

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

**APPLICATION NO. A/TM-LTYT/462**

<b><u>Applicant</u></b>	:	Mr. TO Wai Kit represented by Goldrich Planners & Surveyors Limited
<b><u>Site</u></b>	:	Lots 678 (Part), 682 (Part), 683 (Part) and 686 (Part) in D.D. 130, Tuen Mun San Tsuen, Lam Tei, Tuen Mun, New Territories
<b><u>Site Area</u></b>	:	About 1,882m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	:	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars and light goods vehicle) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “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 largely vacant with some parking of vehicles (**Plans A-2 to A-4c**).
- 1.2 According to the applicant, the Site is accessible via a local track leading from Castle Peak Road- Lam Tei (**Plan A-2**). The proposed temporary public vehicle park will provide 37 parking spaces (34 for private cars and 3 for light goods vehicles (LGVs)) with two ancillary office structures to serve the nearby residents and the general public. Besides, the applicant states that vehicle without valid licence will not be permitted to be parked in the Site or enter the Site, and no container tractors/ trailers and vehicles exceeding 5.5 tonnes are allowed to enter the Site. The site layout, vehicular accesses and swept path analysis submitted by the applicant are shown on **Drawings A-1 to A-3h** respectively.
- 1.3 The Site was the subject of a previous application (No. A/TM-LTYT/250) for the same use which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2013 (details in paragraph 5 below). A comparison of the development parameters between the previously rejected application and the current application is summarised as follows:

	<b>Previous application A/TM-LTYT/250 (a)</b>	<b>Current application A/TM-LTYT/462 (b)</b>	<b>Difference (b)-(a)</b>
Site Area	About 2,150 m <sup>2</sup>	About 1,882 m <sup>2</sup>	-268 m <sup>2</sup> (-12.5%)
Total Floor Area	About 22.3 m <sup>2</sup>		No change
No. of Structure	2		
Height of Structure	Not more than 3 m (1 storey)		
No. of Parking Spaces	37 34 for private car 3 for LGVs	37 34 for private car (5m x 2.5m) 3 for LGVs (7m x 3.5m)	
Operation Hours	24 hours, daily		

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

- (a) Application Form with attachments received on 23.8.2023 **(Appendix I)**
  - (b) Further Information (FI) received on 20.10.2023\* **(Appendix Ia)**
  - (c) FI received on 27.12.2023\* **(Appendix Ib)**
  - (d) FI received on 23.1.2024\* **(Appendix Ic)**
- \*accepted and exempted from recounting requirements*

1.5 On 13.10.2023 and 8.12.2023, the Committee agreed to defer making a decision on 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 at **Appendix I**. They can be summarised as follows:

- (a) there are insufficient vehicle parking spaces in Tuen Mun San Tsuen. The proposed use will serve the nearby residents/ the general public and address the illegal parking issues within the area; and
- (b) no adverse environmental, road safety, drainage and landscape impacts on the surroundings are anticipated.

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

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. 31B) by posting notice in a prominent position on or near the

Site and sending a registered mail to the Tuen Mun Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

**4. Background**

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

**5. Previous Application**

The Site was the subject of a previous application (No. A/TM-LTTY/250) for temporary public vehicle park (private cars and light goods vehicles) submitted by the same applicant for the same use which was rejected by the Committee on 25.1.2013 mainly on the grounds that the applicant failed to demonstrate that the development would not have adverse environmental and landscape impacts on the surrounding areas; and that there was no information in the application to address the traffic flow/maneuvering and road safety concerns. Details of the application are at **Appendix II** and the boundary of the site is shown on **Plans A-1 and A-2**.

**6. Similar Application**

There is one similar application (No. A/TM-LTTY/407) for temporary public vehicle park (private cars only) and shop and services uses within the same "V" zone in the past five years. The application was approved with conditions for a period of three years by the Committee on 4.12.2020 mainly on the considerations that the proposed uses would not jeopardise the long-term planning intention of the "V" zone; were not incompatible with the surrounding land uses and approval of the application was in line with the previous decisions of the Committee. Details of the application are summarised in **Appendix III** and the location of the Site is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) formed and largely vacant with parking of vehicles; and
- (b) accessible via a local track leading from Castle Peak Road – Lam Tei.

7.2 The surrounding areas are rural residential in nature comprising predominantly village houses intermixed with scattered temporary structures, storage uses, restaurants, shop and services, commercial uses and parking of vehicles. To the northeast and the north of the Site are Lam Tei Market cum Hawker Bazaar and Lam Tei Main Street with ground floor shops and restaurants respectively. Some of the storage uses, parking of vehicles, restaurants, shop and services and commercial uses are suspected unauthorized developments subject to planning enforcement action.

**8. Planning Intention**

The planning intention of the "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. 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.

## **9. Comments from Relevant Government Departments**

All 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 IV and V** respectively.

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

On 1.9.2023, the application was published for public inspection. During the statutory public inspection period, two supporting public comments from the same village representative of Tuen Mun San Tsuen (**Appendices VI-1 and 2**) were received on the grounds that the proposed use could provide more parking spaces and regulate the illegal parking within the area. One objecting public comment from a group of eight individuals was also received (**Appendix VI-3**) on the grounds that the proposed use would bring about adverse environmental, noise, traffic and road safety impacts to the residents nearby.

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

- 11.1 The application is for proposed temporary public vehicle park (private cars and light goods vehicle) for a period of three 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, it could help serve the local villagers and meet their parking needs. According to the District Lands Officer/Yuen Long, Lands Department, there is no Small House application approved or under processing for the Site. As such, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The proposed use is generally not incompatible with the surrounding uses, which are predominantly rural residential in nature predominantly comprising village houses intermixed with temporary structures, restaurants, shop and services, commercial uses and parking of vehicles (**Plan A-2**).
- 11.3 Concerned government departments, including the Commissioner for Transport (C for T), Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments and 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” to minimise potential environmental nuisances on the surrounding areas.
- 11.4 The Site was the subject of a previous application (No. A/TM-LTTY/250) submitted by the same applicant for the same use which was rejected by the

Committee on 25.1.2013 on the grounds of failing to demonstrate that the development would not have adverse environmental impacts and landscape impacts and to address the traffic flow / maneuvering and road safety concerns. Nevertheless, the applicant has submitted traffic assessments (i.e. swept path analysis and traffic estimation) and indicates that there will be no tree felling involved in the Site (**Appendices I and Ib**) in support of the application to address the traffic, road safety and landscape concerns. In these regards, C for T and the Chief Town Planner/Urban Design and Landscape of Planning Department have no adverse comment on the application. As such, sympathetic consideration may be given to the current application.

- 11.5 Regarding the public comments providing adverse comments/views on the application 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 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 three years until **16.2.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no vehicles exceeding 5.5 tonnes and container tractors/ trailers as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) no vehicle without valid licence 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;
- (c) 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 **16.8.2024**;
- (d) in relation to (c) 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 **16.11.2024**;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained 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 **16.8.2024**;

- (g) in relation to (f) 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 **16.11.2024**;
- (h) if any of the above planning condition (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 condition (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**.

- 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 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.

**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 23.8.2023
<b>Appendix Ia</b>	FI received on 22.10.2023
<b>Appendix Ib</b>	FI received on 27.12.2023
<b>Appendix Ic</b>	FI received on 23.1.2024
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-3</b>	Public Comments received during statutory public period
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan

<b>Drawings A-3a to A-3h</b>	Swept Path Analysis
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2024**