

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/467

<u>Applicant</u>	:	富萬發展有限公司
<u>Site</u>	:	Lots 1972 (Part), 1973 and 1974 RP (Part) in D.D.130, Lam Tei, Tuen Mun, New Territories
<u>Site Area</u>	:	About 2,130m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Proposed Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicles) for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes for the “V” zone of 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 formed and currently used for parking of vehicles without valid planning permission (**Plans A-4a to A-4b**).
- 1.2 The Site is accessible via a local track connecting with Tung Lei Path and the ingress/egress is at the southern part (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed temporary public vehicle park will provide 20 parking spaces (14 for private cars, four for light goods vehicles (LGVs) and two for school buses) with a two-storey ancillary structure with 7m in height and a total floor area of 228m² for guard room, office and toilet uses. No vehicle repair, dismantling, car beauty, car washing and workshop use will be carried out at the Site and there will be no queuing or waiting of vehicles from the Site onto the public road. The site layout and swept path analysis submitted by the applicant are shown on **Drawings A-1 to A-2c** respectively.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 2,130 m ²
No. of Structure	1
Total Floor Area	About 228 m ²
Height of Structure	Not more than 7 m (2 storeys) (for guard room, office and toilet uses)
No. of Parking Spaces	20 14 for private cars (5m x 2.5m) 4 for LGVs (7m x 3.5m) 2 for school buses (8m x 3m)
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 4.12.2023 **(Appendix I)**
- (b) Further Information (FI) received on 26.3.2024* **(Appendix Ia)**
- (c) FI received on 5.6.2024* **(Appendix Ib)**
- (d) FI received on 19.7.2024* **(Appendix Ic)**
**accepted and exempted from publication and recounting requirements*

1.5 On 26.1.2024 and 24.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 **Appendices I to Ic**. They can be summarised as follows:

- (a) the applied use will serve the nearby residents and address the illegal parking issues within the area. No additional traffic flow would be occurred;
- (b) the applied use would utilise the land resources and is compatible to the surroundings;
- (c) no queuing or waiting of vehicles from the Site onto the public road and no vehicle repair, dismantling, car beauty, car washing and workshop use will be carried out at the Site;
- (d) no adverse environmental, traffic, road safety and landscape impacts on the surroundings are anticipated; and
- (e) a similar application has been approved.

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 planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application within the subject "V" zone in the past five years.

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

7.1 The Site is:

- (a) formed and currently used for parking of vehicles; and
- (b) accessible via a local track connecting with Tung Lei Path.

7.2 The surrounding areas are rural residential in nature comprising predominantly village houses intermixed with scattered temporary structures, storage uses, plant nursery and vacant land. The MTR-Tuen Ma Line, Kong Sham Western Highway and Castle Peak Road-Lam Tei are located to the west, southwest and east of the Site respectively.

8. Planning Intention

The planning intention of "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted Houses. Other commercial, community and recreational uses may be permitted on application to the Board.

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 II and III** respectively.

10. Public Comment Received During Statutory Publication Period

On 12.12.2023, the application was published for public inspection. During the statutory public inspection period, one objecting public comment from an individual was received (**Appendix IV**) mainly on the ground that no justification has been provided for the excessive space for parking of 20 vehicles and a sizeable office at the Site.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicles) 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/Tuen Mun, Lands Department, there is no Small House application approved or under processing for the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the area.
- 11.2 The proposed use is generally not incompatible with the surrounding area which comprises predominantly village houses intermixed with scattered temporary structures, storage uses, plant nursery and vacant land. (**Plan A-2**).
- 11.3 Concerned government departments, including the Commissioner for Transport, 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 perspectives respectively. 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. Any non-compliance with approval conditions would result in revocation of planning permission and any unauthorized development on-site would be subject to planning enforcement action. 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 Regarding the public comment objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.3 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 comment 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 **2.8.2027**. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.2.2025**;
- (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 **2.5.2025**;
- (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 **2.2.2025**;
- (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 **2.5.2025**;
- (f) if the above planning condition (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 condition (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 III**.

- 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 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

Appendix I	Application Form with attachments received on 4.12.2023
Appendix Ia	FI received on 26.3.2024
Appendix Ib	FI received on 5.6.2024
Appendix Ic	FI received on 19.7.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment received during statutory public period
Drawing A-1	Proposed Layout Plan
Drawings A-2a to A-2c	Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**