

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-SKW/110

<u>Applicant</u>	:	Mr. Li Chi Chung, Tony
<u>Application Site</u>	:	Lot 966 RP in D.D.375, So Kwun Wat Village, Tuen Mun, New Territories
<u>Site Area</u>	:	About 230m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/13
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Proposed Temporary Storage (For the Use of Village Office and Ancestral Hall) and Private Vehicle Park (Private Cars Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary storage (for the use of village office and ancestral hall) and private vehicle park (private cars only) for a period of 3 years. The Site falls within an area zoned “V” on the approved So Kwun Wat OZP No. S/TM-SKW/13 (**Plan A-1**). Although the proposed uses are neither Column 1 nor Column 2 uses in the “V” zone, according to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently vacant and partly paved.
- 1.2 According to the applicant, part of the Site will accommodate a single-storey container of about 2.6m in height with a total area of 14.4m² for storing miscellaneous goods for festival celebrations and engineering works for the village office and ancestral hall of So Kwun Wat Lee Uk Tsuen while the remaining portion of the Site will be used for a private car park with 5 parking spaces operating 24 hours daily to serve the local villagers and visitors of the village office (**Drawing A-1**). The Site is accessible via So Kwun Wat Tseun Road (**Plan A-2**).

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

- (a) Application form with a layout plan received on 13.4.2021 **(Appendix I)**
- (b) Supplementary information (SI) received on 16.4.2021 and 19.4.2021 clarifying the size of the container and applied uses **(Appendices Ia and Ib)**
- (c) Further information (FI) received on 21.6.2021 enclosing photographs, a letter from the village representative of So Kwun Wat Tsuen and a replacement page demonstrating the applied uses **(Appendix Ic)**
- (d) Further information (FI) received on 2.7.2021 enclosing a replacement page clarifying the applied uses **(Appendix Id)**
[(c) and (d) exempted from publication and recounting requirements]

1.4 On 11.6.2021, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the applicant. The applicant submitted FI on 21.6.2021 and 2.7.2021. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I, Ia, Ib and Ic**. They can be summarised as follows:

- (a) The ancestral hall and village office have stored a lot of miscellaneous goods for festival celebrations and engineering works, which have caused inconvenience and danger to villagers. Therefore, a place for storage is needed.
- (b) There are limited parking spaces for the village office. During the village office's meetings, vehicles would park on both sides of So Kwun Wat Tsuen Road, which will bring adverse impacts to the road users. The proposed private car park will benefit the local villagers and visitors of the village office.
- (c) The needs of storage and parking facilities serving the villagers of So Kwun Wat Lee Uk Tsuen are confirmed by the village representative.

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. 31A) by obtaining consent from other current land

owners for submitting the planning application. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application for the same uses within the subject "V" zone.

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

7.1 The Site is:

- (a) currently vacant and partly paved; and
- (b) accessible from So Kwun Wat Tsuen Road.

7.2 The surrounding area have the following characteristics:

- (a) to its east and north are mainly village houses of So Kwun Wat Tsuen. About 50m to the east and 90m to the north of the Site are respectively the village office and ancestral hall of So Kwun Wat Lee Uk Tsuen (**Plan A-2**);
- (b) to its south and southeast across So Kwun Wat Tsuen Road are vehicle repair workshop, storage yard and village houses; and
- (c) to its west are vehicle repair workshop, village houses and carpark.

8 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 House 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 House. Other commercial, community and recreational uses 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) The Site falls within Lot No. 966 RP in D.D.375 (“the Lot”). The Lot is Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Site is accessible from So Kwun Wat Tsuen Road across the pedestrian path. His office does not carry out maintenance works for the said path nor guarantee that right-of-way will be given to the Site.
- (c) There is no small house application under processing at the Lot.
- (d) The applicant is reminded that if structures are proposed to be erected, the lot owner is required to submit a formal application to his office for a Short Term Waiver to permit erection of the proposed structures on the Lot after planning permission is given by the Board. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc.
- (e) His office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extension/alternations of structures on the Site or any unauthorised occupation of Government land irrespective of whether planning permission will be given or not.

Traffic

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

- (a) He has no in-principle objection to the proposed use from traffic engineering point of view provided that the management party of the connecting road has no comment on the application.
- (b) So Kwun Wat Tsuen Road is not a public road managed by Transport Department.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

The piece of unallocated government land adjacent to the Site (i.e. So Kwun Wat Tsuen Road) is not and will not be maintained by HyD.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) She has no objection to the planning application.
- (b) It is noted that the site is currently vacant, accessed by So Kwun Wat Tsuen Road and is outside the 1km consultation zone of Tai Lam Chung Chlorination House.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the 'Revised Code of Practice on Handling the Environmental Aspects of Open Storage and other Temporary Uses' to minimise any potential environmental nuisances.

Landscape

9.1.5 Comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

With reference to the aerial photo of 2020, the Site appears to be vacant and without any existing vegetation. Since the Site is situated in an area of village landscape character predominated by village houses and scattered trees, significant landscape impact arising from the application is not envisaged.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no objection in principle to the application from public drainage viewpoint. Should the application be approved, a condition should be included to require the applicant to submit and implement the drainage proposal as well as maintain the drainage facilities for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The applicant should be reminded of the detailed comments at **Appendix III**.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The applicant is advised to submit relevant layout plans incorporating the proposed FSIs to his department for approval. The applicant should note his detailed comments at **Appendix III**.

District Officer's Comments

9.1.9 Comments of District Officer/Tuen Mun, Home Affairs Department (DO/TM, HAD):

He has distributed consultation letters to the locals concerned and understands that they would provide their comments (if any) to the Board direct. He is given to understand that some of the locals raised concerns about the potential adverse environmental impacts brought by the subject application to the surrounding area.

9.2 The following Government departments have no comment on/no objection to the application:

- (a) Commissioner of Police;
- (b) Director of Electrical and Mechanical Services;
- (c) Project Manager (West), Civil Engineering and Development Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Director of Agriculture, Fisheries and Conservation; and
- (f) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office.

10 Public Comments Received During the Statutory Publication Period

On 23.4.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals objecting to the application on traffic, environmental and fire safety concerns. Besides, the proposed development is considered incompatible with the "V" zone and appears to legalize the brownfield use (**Appendices II-1 and II-2**).

11 Planning Considerations and Assessments

11.1 The application is for proposed temporary storage (for the use of village office and ancestral hall) and private vehicle park (private cars only) for a period of 3 years at the Site zoned "V" on the OZP (**Plan A-1**). Although the proposed uses are not in line with the planning intention of the "V" zone, which is primarily for development of Small Houses by indigenous villagers, the proposed uses are to serve the village office, ancestral hall and local villagers for meeting their storage

and car parking needs according to the applicant. In this regard, a supporting letter from the village representative of So Kwun Wat Tsuen is provided by the applicant to confirm such needs (**Appendix Ic**). DLO/TM also advises that there is no Small House application under processing within the Site. As such, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the Site.

- 11.2 The Site is located within an area predominately occupied by village houses, vacant land, carparks and workshops (**Plan A-2**). The applied uses are considered not incompatible with the surrounding areas.
- 11.3 Relevant Government departments consulted, including DEP, C for T, CE/MN of DSD, D of FS and CTP/UD&L of PlanD, have no objection or adverse comments on the application. In view of the small scale and nature of the applied uses, there would not be significant adverse environmental, traffic, drainage, fire safety and landscape impacts on the surrounding area. Furthermore, relevant approval conditions are recommended in paragraphs 12.2 to minimise any potential nuisances or to address the technical requirements of concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission, and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 11.4 There are no previous or similar applications within the subject “V” zone on the OZP.
- 11.5 Two public comments objecting to the application were received during the statutory public inspection period as summarised in paragraph 10. The planning considerations and assessments in paragraphs 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 considers that the proposed temporary storage and private vehicle park under application could be tolerated for a period of 3 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 3 years until **9.7.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) only private cars as defined in the Road Traffic Ordinance 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 (Registration

and Licensing of Vehicles) Regulations is allowed to be parked on or enter/exit the Site at any time during the planning approval period;

- (c) the submission of 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 9.1.2022;
- (d) in relation to (c) above, the implementation of 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 9.4.2022;
- (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 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 9.1.2022;
- (g) in relation to (f) 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 9.4.2022;
- (h) if any of the above planning conditions (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 conditions (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 attached 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 uses are not in line with the planning intention of the "Village Type Development" zone, which is primarily for development of Small Houses by indigenous villagers. There is no strong planning justification 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 a layout plan received on 13.4.2021
Appendix Ia and Ib	SI received on 16.4.2021 and 19.4.2021
Appendix Ic	FI received on 21.6.2021
Appendix Id	FI received on 2.7.2021
Appendices II-1 and II-2	Public comments
Appendix III	Recommended advisory clauses
Drawing A-1	Proposed layout plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2021**