

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-SKW/125

<u>Applicant</u>	: WU Chi Man (胡志文) represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lot 270 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun, New Territories
<u>Site Area</u>	: About 737m 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/15
<u>Zoning</u>	: “Village Type Development” (“V”) [<i>Restricted to a maximum building height of 3 storeys (8.23m)</i>]
<u>Application</u>	: Temporary Public Vehicle Park (Private Cars) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) for a period of five years at the application site (the Site) 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 paved and used for public vehicle park without valid planning permission (**Plan A-2**).
- 1.2 The Site is accessible via the ingress/egress point at the west from Tai Lam Chung Road (**Plan A-2**). According to the applicant, a total of 26 private car parking spaces (including 5 parking spaces with electric vehicle (EV) charging facilities) will be provided to serve the villagers. The proposal also involves two structures of 4.5m in height for guard room and open shed uses and a meter box of 2.2m in height, with a total floor area of 194.1m². The operation hours will be 24 hours daily, including public holidays. Only private cars are allowed to enter or parked at the Site. Site layout plan and drainage proposal submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application Form with attachments received on 7.2.2024 (Appendix I)
- (b) Further Information (FI) received on 12.3.2024* and 14.3.2024* (Appendix Ia)
- (c) FI received on 21.3.2024* (Appendix Ib)
- (d) FI received on 27.3.2024* (Appendix Ic)
- (e) FI received on 30.4.2024* (Appendix Id)
- (f) FI received on 29.5.2024* (Appendix Ie)

*[*Accepted and Exempted from publication and recounting requirements]*

1.4 On 5.4.2024, 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 in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the temporary public vehicle park is intended to serve the villagers and helps reduce illegal roadside parking; and
- (b) no adverse visual and traffic impact is 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 site notices and sending notice to the Tuen Mun Rural Committee by registered post. 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 is not involved in any previous application.

6. Similar Applications

There have been two similar applications (No. A/TM-SKW/103 and 118) within the subject “V” zone for temporary private vehicle park for private cars and light goods vehicles

(excluding container vehicles) for a period of three years approved with conditions by the Committee in the past five years mainly on the considerations that temporary approval would not jeopardise the long-term planning intention of the “V” zone; the proposed/applied use was not incompatible with the surrounding land uses; and relevant government departments had no adverse comment on/ no objection to the application. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently paved and used for public vehicle park without valid planning permission; and
- (b) accessible via a local track from Tai Lam Chung Road.

7.2 The surrounding areas are rural in character intermixed with village houses, parking of vehicles, vehicle repair workshops, storage yards, a retail shop, a barbeque site and unused lands. Except for the barbeque site operating with valid planning permission (No. A/TM-SKW/114) and the village houses, other uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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 Bureau/Departments

All government bureau/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 Comment Received During Statutory Publication Period

On 16.2.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received raising objection to the application mainly on the grounds that the public vehicle park has been serving the adjoining barbecue site without planning permission and the five years approval period would allow the applicant to delay his action in complying with the approval condition(s). It is also a concern that the application would be selected for

streamlined arrangement and granted with planning approval without adequate consideration from the Committee.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars) for a period of five years at the Site zoned the “V” on the OZP (**Plan A-1**). Although the applied use is not in line with the planning intention of the “V” zone, it could help serve any such parking demand in the locality. According to the District Lands Officer/Tuen Mun, Lands Department, there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The applied use is generally not incompatible with the surrounding areas which are rural in character intermixed with village houses, parking of vehicles, vehicle repair workshops, storage yards, a retail shop, a barbeque site and unused lands (**Plan A-2**).
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ no adverse comment on the application from traffic, environmental, drainage and fire safety aspects respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will 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 There are two similar applications within the same “V” zone approved by the Committee in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment received objecting to the application on the grounds as summarised in paragraph 10 above, all planning applications, including those under streamlined arrangement, would be submitted to the Committee for consideration. Should the application be approved, the planning application would be subject to time-limited conditions and revocation clauses. Any application for extension of time for compliance with approval condition should comply with the relevant Town Planning Board Guidelines. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment as 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 21.6.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 **21.3.2025**;
- (b) in related to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 **21.12.2024**;
- (d) in relation to (c) 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 **21.3.2025**;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 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 the planning intention of the "V" zone which is primarily for development of Small House 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 7.2.2024
Appendix Ia	FI received on 12.3.2024 and 14.3.2024
Appendix Ib	FI received on 21.3.2024
Appendix Ic	FI received on 27.3.2024
Appendix Id	FI received on 30.4.2024
Appendix Ie	FI received on 29.5.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**