

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/464

- Applicant** : Mr. Wong Yiu Wing represented by R-riches Property Consultants Limited
- Site** : Lots 2571 (Part), 2572 (Part), 2573 (Part), 2574 (Part), 2575 (Part), 2576 S.A, 2576 S.B (Part), 2577 (Part), 2578 (Part) and 2579 RP (Part) in D.D. 129 and adjoining Government Land (GL), Ngau Hom, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 973.5m² (including GL of about 58.3m² or 6.0%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Place of Recreation, Sports or Culture (Venue for Villager Ceremony) 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 vehicles) and place of recreation, sports or culture (venue for villager ceremony) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. According to the Notes of the OZP for the “V” zone, both ‘Public Vehicle Park (excluding container vehicle)’ and ‘Place of Recreation, Sports or Culture’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently largely covered by an open shed mainly used for parking of vehicles without valid planning permission (**Plans A-2 and A-4**).
- 1.2 As shown on the vehicular access plan at **Drawing A-2**, the Site is accessible from Tin Wah Road via Man Tak Road and a local track, with the ingress/egress located at the southwest of the Site (**Drawing A-1**). As shown on the layout plan at **Drawing A-1** and indicated in the submission, three structures¹ of about 2.8m to 8.6m in height with a total floor area of 973.5m² are proposed for recreational activities and ceremonies, ceremony store rooms and meter room uses at the Site. The western

¹ Structure B1 covers majority of the Site. Structure No. B3 is entirely covered by Structure B1, and hence not counted as an independent structure. Also, Structures B3, as well as the portions of Structures B2 and B4 that are beneath Structure B1 are not counted towards the total gross floor area to avoid double counting (**Drawing A-1**).

portion of the Site (about 562.5m² or 57.8%) would be designated for the proposed public vehicle park (hereafter ‘parking portion’) whilst the eastern portion (about 411m² or 42.2%) would be for village ceremony use (hereafter ‘ceremony portion’). The parking portion would provide 13 parking spaces for private cars (5m × 2.5m each) and two parking spaces for light goods vehicles (7m × 3.5m each). The ceremony portion would be used for holding village ceremonies and festivals, such as Tin Hau Festival, Lantern Festival and poon choi feasts. It would also be used as a recreational area when no ceremony and festival activities are held.

- 1.3 According to the applicant, the operation hours of both the parking and ceremony portions would be 24 hours daily, including Sundays and public holidays. The ceremony portion can accommodate a maximum of 100 people (about 10 tables of poon choi feasts). Food would be delivered to the venue by catering services and no cooking would be carried out at the Site. Drainage facilities and fire service installations (FSIs) would be provided on-site (**Drawings A-3 and A-4**).
- 1.4 The Site is the subject of two previous applications (No. A/YL-LFS/305 and 379) for temporary place of recreation, sports or culture (venue for villager ceremony) for a period of three years, both of which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively (details at paragraph 5 below). Compared with the last previous application (No. A/YL-LFS/379), the current application is submitted by the same applicant, with an additional temporary public vehicle park use at a slightly larger site (+25.8m² or +2.7%).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 21.3.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 28.3.2023 (**Appendix Ia**)
 - (c) SI received on 29.3.2023 (**Appendix Ib**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SI at **Appendix Ia**. They can be summarised as follows:

- (a) the proposed uses would be on a temporary basis and would serve the needs of the villagers of Ngau Hom Tsuen nearby. Hence, it would not frustrate the long-term planning intention of the “V” zone;
- (b) the maximum height of the structure at 8.6m is similar to that of the New Territories Exempted House (at 8.23m) nearby. The proposed uses are not incompatible with the surrounding environment;
- (c) the Site is the subject of two approved previous applications (No. A/YL-LFS/305 and 379) for place of recreation, sports or culture. Approval of the current application would not set an undesirable precedent;
- (d) due to the long rainy seasons in Hong Kong, the open shed of 8.6m high is proposed to be retained for recreational activities and ceremony uses;

- (e) as traffic trips generated by the proposed uses are minimal, adverse traffic impact on the surrounding areas is not anticipated. Sufficient space is provided for manoeuvring of vehicles so as to ensure no queuing and turn back outside the Site;
- (f) no medium or heavy goods vehicle, as well as vehicle without valid licence is allowed to be parked/stored or enter/exit the Site; and
- (g) the proposed uses would not have significant adverse environmental and drainage impacts on the surrounding areas. The 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department will be followed.

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 Ordinance (TPB PG-No. 31A) by posting site notice and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is the subject of an active enforcement action (Case No. E/YL-LFS/570) against unauthorized development (UD) involving parking of vehicles (**Plan A-2**). Enforcement Notice (EN) was issued to the concerned parties on 21.2.2023 requiring the discontinuance of the UD by 21.5.2023. If the EN is not complied with, prosecution action may be taken by the Planning Authority.

5. Previous Applications

The Site is the subject of two previous applications (No. A/YL-LFS/305 and 379) for temporary place of recreation, sports or culture (venue for villager ceremony) for a period of three years, which were approved with conditions by the Committee in 2018 and 2021 mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the proposed use is not incompatible with the surrounding land uses; concerned government departments generally had no objection to the application and the technical concerns could be addressed by approval conditions. Details of these previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 Within the same “V” zone, there is no similar application for temporary place of recreation, sports or culture (venue for villager ceremony) use. However, there are nine similar applications for temporary public or private vehicle park for private cars and/or light goods vehicles with or without land/pond filling in the past five years. Details of the similar applications are summarised in **Appendix II** and their locations

are shown on **Plan A-1**.

- 6.2 Eight applications (No. A/YL-LFS/319, 327, 345, 388, 390, 427, 429 and 431) involving five sites within the “V” zone were approved with conditions by the Committee between 2018 and 2022 mainly on considerations that temporary use would not jeopardise the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding land uses; and there were no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions.
- 6.3 Application No. A/YL-LFS/394 straddling the “V”, “Residential (Group A)” and “Green Belt” (“GB”) zones of the OZP was approved with conditions by the Committee on 14.5.2021 mainly on similar considerations as mentioned in paragraph 6.2 above, and that majority of the “GB” portion had been formed and used for an approved recreational use.

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

- 7.1 The Site is:
 - (a) hard-paved, largely covered by an open-shed, erected with structures and used for parking of vehicles without valid planning permission; and
 - (b) accessible from Tin Wah Road to its south via Man Tak Road and a local track.
- 7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments subject to planning enforcement action:
 - (a) to the north and east are village houses of Ngau Hom. To the further northeast and east are parking of container vehicles, a site with works in progress and woodland;
 - (b) to the south are village houses (including the residential development of Flowery Villa) intermixed with parking of vehicles, a shrine and unused land; and
 - (c) to the west are village houses intermixed with cultivated agricultural land, vacant land and unused land.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other 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.

9.2 The following government department supports the application:

Traffic

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

- (a) He supports the application from traffic engineering perspective to meet the public demand on car parking spaces.
- (b) The applicant should note his advisory comments in **Appendix IV**.

9.3 The following government department has adverse comments on the application:

Land Administration

9.3.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) He has grave concerns given that there are unauthorised building works and/or uses on all subject lots in D.D.129 which are already subject to lease enforcement actions. The lot owner(s) should remedy the lease breaches as demanded by LandsD.
- (b) There is no Small House application approved/under processing by his office at the Site.
- (c) The applicant should note his advisory comments at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 31.3.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary public vehicle park (private cars and light goods vehicles) and place of recreation, sports or culture (venue for villager ceremony) for a period of three years within the “V” zone of the OZP (**Plan A-1**). Although the proposed uses are not entirely in line with the planning intention of the “V” zone, they may help serve the local villagers/residents and meet their needs for car parking, community and recreational facilities. In this regard, C for T supports the application from traffic engineering perspective. Besides, DLO/YL, LandsD

advises that there is no Small House application approved or under processing at the Site. As such, approval of the application on a temporary basis for three years would not jeopardise the long-term planning intention of the “V” zone.

- 11.2 The Site is located at the centre of the recognised village of Ngau Hom. The surrounding areas comprise predominately village houses intermixed with, inter alia, parking of vehicles. The proposed uses are considered not incompatible with the surrounding land uses.
- 11.3 DLO/YL, LandsD expresses concerns on the application from land administration perspective as there are unauthorised building works and/or use at the Site. To address the concerns of DLO/YL, LandsD, should this application be approved, the applicant will be advised to remedy the lease breaches and follow the relevant land administration procedures as required by LandsD.
- 11.4 Other concerned government departments including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to/adverse comments on the application. The proposed uses will unlikely generate significant adverse environmental, drainage and fire safety impacts on the surroundings. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below.
- 11.5 Given that two previous applications for temporary place of recreation, sports or culture (venue for villager ceremony) were approved by the Committee in 2018 and 2021, and nine similar applications covering six sites for temporary public or private vehicle park involving the “V” zone were also approved by the Committee in the past five years (**Plan A-1**), approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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 **19.5.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (c) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **19.8.2023**;
- (d) the submission of a revised 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 **19.11.2023**;
- (e) in relation to condition (d) above, the implementation of the revised 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 **19.2.2024**;
- (f) if any of the above planning conditions (a) or (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
- (g) if any of the above planning conditions (c), (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 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 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. There is no strong planning justification 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 planning 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 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 21.3.2023
Appendix Ia	SI received on 28.3.2023
Appendix Ib	SI received on 29.3.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Fresh Water Main Record Plan
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2023**