

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/483

- Applicant** : Mr. Wong Tsz Chung 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), 2579 RP (Part) in D.D. 129 and Adjoining Government Land (GL), 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”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars and light goods vehicles) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board)¹. The Site is largely covered by an open shed mainly used for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 As shown on the vehicular access plan at **Drawing A-2**, the Site is accessible from Tin Wah Road and Man Tak Road via a local track. As shown on the layout plan at **Drawing A-1**, 28 parking spaces for private cars (5m × 2.5m each) and two for light goods vehicles (7m × 3.5m each) are provided. Also, there are three structures² of about 2.8m to 8.6m in height and with a total floor area of about 973.5m² for covered

¹ Whilst ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use for the “V” zone, the proposal of the current application (i.e. building height of about 8.6m) exceed the building height restriction of 8.23m of the “V” zone.

² Structure B1 covers majority of the Site. Structure B3 is entirely covered by Structure B1, and hence not counted as an independent structure. Apart from Structure B3, portions of Structures B2 and B4 that are beneath Structure B1 are also not counted towards the total floor area to avoid double counting (**Drawing A-1**).

vehicle park, caretaker office, traffic control equipment storage and meter room uses.

- 1.3 According to the applicant, the operation hours of the temporary public vehicle park would be 24 hours daily, including public holidays. Drainage facilities and fire service installations are/will be provided (**Drawings A-3 and A-4**).
- 1.4 The Site is the subject of three previous applications, including the last one (No. A/YL-LFS/464) for proposed temporary public vehicle park (private cars and light goods vehicles) and place of recreation, sports or culture (venue for villager ceremony) approved by the Rural and New Town Planning Committee (the Committee) of the Board on 19.5.2023 (details at paragraph 5 below). Compared with the last previous application No. A/YL-LFS/464, the current application is submitted by a different applicant with the same development parameters, except the replacement of the temporary venue for villager ceremony under the previous application by additional private car parking spaces (+15 or +115.4%).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 24.7.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 27.7.2023 (**Appendix Ia**)

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) ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use of the “V” zone. The application is on a temporary basis, and intends to address the needs of the nearby residents of Ngau Hom Tsuen. Hence, it will not frustrate the long term planning intention of the “V” zone;
- (b) the building height of the existing structure at 8.6m is similar to that of the nearby New Territories Exempted Houses. The applied use is considered not incompatible with the surrounding environment;
- (c) The Site is subject to an approved previous application No. A/YL-LFS/464 for temporary public vehicle park (private cars and light goods vehicles) and place of recreation, sports or culture (venue for villager ceremony) in 2023. Approval of the current application would not set an undesirable precedent;
- (d) sufficient space is provided for vehicles to manoeuvre to, from and within the Site to ensure no queuing and turning back outside the Site. Also, the trips generated by the applied use would be minimal. Hence, adverse traffic impact to the surrounding road network is not anticipated; and
- (e) the applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise potential environmental impacts on the nearby sensitive receivers.

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. 31B) 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

- 5.1 The Site is involved in three previous applications for temporary place of recreation, sports or culture (venue for villager ceremony) with or without public vehicle park (private cars and light goods vehicles) use. All of them were approved with conditions by the Committee. Details of the application are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 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 were approved with conditions by the Committee in 2018 and 2021 respectively. The consideration of these previous applications are not relevant to the current application for temporary public vehicle park.
- 5.3 Application No. A/YL-LFS/464 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 was approved with conditions by the Committee on 19.5.2023 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.

6. Similar Applications

- 6.1 Within/straddling the same “V” zone, there are ten similar applications for temporary public or private vehicle park for private cars and/or light goods vehicles with or without other use and land/pond filling in the past five years. All of them were approved with conditions by the Committee between 2018 and 2023. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

- 6.2 Nine applications (No. A/YL-LFS/327, 345, 388, 390, 427, 429, 431, 467 and 480) involving six sites were approved with conditions by the Committee between 2018 and 2023 mainly on similar considerations as mentioned in paragraph 5.3 above.
- 6.3 Application No. A/YL-LFS/394 straddling the “V”, “Residential (Group A)” (“R(A)”) and “Green Belt” (“GB”) zones on the OZP was approved with conditions by the Committee on 14.5.2021 mainly on similar considerations as mentioned in paragraph 5.3 above, and that majority of the “GB” portion had been formed and used for recreational use under a previous planning permission.

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

7.1 The Site is:

- (a) hard-paved, largely covered by an open-shed, erected with structures, and being used for the applied use 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 under works in progress and shrubland;
- (b) to the south are village houses (including the residential development of Flowery Villa) intermixed with parking of vehicles, a shrine and shrubland; and
- (c) to the west are village houses intermixed with cultivated agricultural land, sites under works in progress 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 for 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 objects to the application.
- (b) 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.
- (c) He objects to the application since there is illegal occupation of GL in the Site in which regularization would not be considered according to the prevailing land policy.
- (d) There is no Small House application approved/under processing by his office at the Site.
- (e) The applicant should note his advisory comments at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 1.8.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received raising concerns over the intention of the open shed under the proposal, and whether the Site would be genuinely used for the applied use.

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (private cars and light goods vehicles) for a period of three years within the “V” zone of the OZP (**Plan A-1**). Although the applied use is not entirely in line with the planning intention of the “V” zone, they may help serve the local villagers/residents and meet their car parking needs. 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 applied use is considered not incompatible with the surrounding land uses.
- 11.3 DLO/YL, LandsD raises objection from land administration perspective as there are unauthorised building works and/or use, as well as illegal occupation of GL in the Site, where regularization of the latter would not be considered according to prevailing land policy. To address the concerns of DLO/YL, LandsD, should this application be approved, the applicant will be advised to remedy the lease breaches, follow the relevant land administration procedures as required by LandsD and cease illegal occupation of GL.
- 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 applied use 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 The Site is the subject of a previous application for, inter alias, temporary public vehicle park (private cars and light goods vehicles) approved by the Committee on 19.5.2023. There has been no major change in the planning circumstances since then. Also, there are ten similar applications covering seven sites 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.
- 11.6 Regarding the public comment raising concerns over the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary public vehicle park (private cars and light goods vehicles) could be tolerated for a period of three 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 three years until **22.9.2026**. 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) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **22.12.2023**;
- (e) 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 **22.3.2024**;
- (f) in relation to condition (e) 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 **22.6.2024**;
- (g) if any of the above planning condition (a), (b) or (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
- (h) if any of the above planning condition (d), (e) or (f) 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 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 24.7.2023
Appendix Ia	SI received on 27.7.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment Received During Statutory Publication Period
Appendix VI	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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**