

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/356

<u>Applicant</u>	: Harvesty Developments Limited
<u>Site</u>	: Lots 1316 (Part) and 1317 in D.D. 105, Mai Po, Yuen Long
<u>Site Area</u>	: About 803m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/7 (<i>currently in force</i>) Approved Mai Po and Fairview Park OZP No. S/YL-MP/6 (<i>at the time of submission</i>)
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Proposed Temporary Public Vehicle Park for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for a period of five years at the application site (the Site) (**Plan A-1**) which falls within an area zoned “V” on the draft Mai Po and Fairview Park OZP No. S/YL-MP/7. 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 fenced-off and vacant. There is an existing vacant structure within Lot 1316 in D.D. 105, which does not form part of the Site (**Plans A-2 and A-4**).
- 1.2 The proposed temporary public vehicle park will provide 19 private car parking spaces (**Drawing A-1**) and will be operated 24 hours daily including public holidays. The Site is accessible to a local access off Mai Po South Road via an ingress/egress at the southeast (**Drawing A-1 and Plan A-2**).
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 14.8.2023 and (**Appendix I**)

replacement pages received on 18.8.2023

- (b) Further Information (FI) received on 13.12.2023* (Appendix Ia)
- (c) FI received on 22.3.2024* (Appendix Ib)
- (d) FI received on 6.5.2024* (Appendix Ic)

Remarks: * accepted and exempted from publication and recounting requirements.

- 1.4 On 13.10.2023 and 26.1.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months each to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The proposed temporary public vehicle park could provide parking spaces for the nearby residential developments.
- (b) The existing vacant structure within Lot 1316 in D.D. 105 does not form part of the Site. The building, which is owned by the applicant, would not be affected by the proposed temporary public vehicle park. The applicant has no plan to redevelop the existing structure.
- (c) The proposed temporary public vehicle park will be operated 24 hours daily and only private cars would be allowed.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) are relevant to this application. The Site falls within the Wetland Buffer Area (WBA) of Deep Bay Area under TPB PG-No. 12C (**Plan A-2**) and relevant extract of the Guidelines is at **Appendix II**.

5. Background

The Site is currently not subject to active planning enforcement action.

6. Previous Applications

There is no previous application covering the Site.

7. Similar Applications

There was no similar application within the same “V” zone in the past five years.

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

8.1 The Site:

- (a) is currently fenced-off and vacant;
- (b) has an existing vacant structure owned by the applicant within Lot 1316 in D.D. 105, which does not form part of the Site;
- (c) is accessible from the southeast via a local access connecting to Mai Po South Road; and
- (d) is located within the WBA of Deep Bay.

8.2 The surrounding areas are rural in character comprising predominantly village houses/residential dwellings/residential developments (including the existing Mai Po San Tsuen and a proposed residential development under application No. A/YL-MP/291), grass land, a vehicle park and vacant land. To the east of the Site are Castle Peak Road – Mai Po, San Tin Highway and San Tam Road.

9. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised 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 House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 Apart from the government department’s comment as set out in paragraph 10.2 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.

10.2 The following government department supports the application:

Traffic

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

She supports the planning application from traffic engineering perspective which could meet the public demand of car parking spaces.

11. Public Comment Received During Statutory Publication Period

On 22.8.2023, the application was published for public comment. During the statutory publication period, one public comment was received from an individual raising objection to the application on the grounds that there is vegetation on the site and there are sufficient parking spaces within the village (**Appendix V**).

12. Planning Considerations and Assessments

12.1 The application is for temporary public vehicle park for a period of five years at the Site which falls within an area zoned “V” on the OZP. The planning intention of the “V” zone is to reflect existing recognised 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. Commercial, community and recreational uses may be permitted on application to the Board. Although the proposed use is not in line with the planning intention of the “V” zone, it could serve some of the parking demand for private cars of residents in the nearby villages and the locality. C for T supports the application as the proposed use could meet the public demand of car parking spaces. Besides, District Lands Officer/Yuen Long, Lands Department has no adverse comments on the application and advises that there is no Small House application being processed/approved at the Site. The proposed use is temporary in nature which would not adversely affect the land availability for NTEH within the “V” zone in the long term. As such, 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.

12.2 The Site is currently fenced-off and vacant. The proposed development is considered not incompatible with the surrounding rural context comprising predominantly village houses/residential dwellings, vehicle park and vacant land. Chief Town Planner/Urban Design & Landscape, Planning Department has no objection to the application as no significant adverse landscape impact arising from the proposed development at the Site.

12.3 The Site falls within the WBA of the TPB PG-No. 12C and the Guidelines specify that planning applications for temporary uses are exempted from the requirement of an ecological impact assessment. Director of Agriculture, Fisheries and

Conservation has no comment on the application from nature conservation point of view.

- 12.4 Other concerned government departments, including Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application. The proposed use will unlikely cause significant adverse environmental, drainage and fire safety impacts to the surrounding areas. Technical requirements of the concerned government departments are suggested to be imposed through relevant approval conditions as recommended in paragraph 12.2 below. Besides, the applicant will be advised to follow the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to mitigate any potential environmental impacts on the surrounding areas.
- 12.5 Regarding the public comment received during the statutory public inspection period of the application as detailed in paragraph 11, the planning assessment and departmental comments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 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 5 years until 10.5.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (b) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) only private cars as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reserve onto/from public road at

any time during the planning approval period;

- (f) 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 **10.11.2024**;
- (g) in relation to (f) 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 **10.2.2025**;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a fire services 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 **10.11.2024**;
- (j) in relation to (i) above, the implementation of the fire services installations 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 **10.2.2025**;
- (k) if any of the above planning condition (a), (b), (c), (d), (e) or (h) 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
- (l) if any of the above planning condition (f), (g), (i) or (j) 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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "Village Type Development" zone, which 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 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.

14.3 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.

15. Attachments

Appendix I	Application Form received on 14.8.2023 with replacement pages received on 18.8.2023
Appendix Ia	FI received on 13.12.2023
Appendix Ib	FI received on 22.3.2024
Appendix Ic	FI received on 6.5.2024
Appendix II	Relevant Extract of TPB PG-No. 12C
Appendix III	Government Department's General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2024**