

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/377

- Applicant** : 上越有限公司
- Site** : Lot 36 in D.D. 101, Mai Po, Yuen Long
- Site Area** : About 3,658m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
(*currently in force*)
- Draft Mai Po and Fairview Park OZP No. S/YL-MP/7
(*at the time of submission*)
- [The zoning of the application site remains unchanged on OZP No. S/YL-MP/8]
- Zonings** : “Open Space” (“O”)
- Application** : Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a
Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of three years at the application site (the Site) which falls within an area zoned “O” on the OZP (**Plan A-1**). According to the Notes of the OZP for “O” 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 partially fenced off, hard-paved without trees and mainly vacant with a few vacant temporary container-converted structures deposited (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track and Mai Po South Road connecting to Castle Peak Road – Mai Po, with an ingress/egress (about 10m wide) at the northeastern part of the Site (**Plan A-2**). According to the applicant, 41 parking spaces, including 27 for private cars (each of 5m x 2.5m), seven for light goods vehicles (each of 7m x 3.5m) and seven for school minibus (each of 8m x 3m) will be provided, and no structure will be erected at the Site. The proposed public vehicle park will be installed with CCTV. No workshop, repairing, paint-spraying, dismantling, cleansing, etc. activities and storage of flammable materials will be carried out at the Site. The proposed operation

hour is 24 hours daily. The applicant will assign staff to manage the traffic flow during peak hour. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form received on 8.8.2024 **(Appendix I)**
- (b) Further Information (FI) received on 26.9.2024* **(Appendix Ia)**
**accepted and exempted from the publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The proposed public vehicle park is conveniently located within short walking distance from residents, which could provide parking spaces on a monthly rental basis for residents of Palm Springs and schools nearby. It is on a temporary basis only without any permanent structures and will not jeopardise the long-term planning intention in future.
- (b) The traffic flow is expected to be stable with peak hour occurring only in the morning and evening. Also, a 14m maneuvering circle will be provided near the ingress/egress of the Site to provide sufficient maneuvering space for vehicles. The applicant will assign staff to manage the traffic flow during peak hour so as to ensure that no vehicles will be allowed to queue back to or reverse onto/from public road. Adverse traffic impact on the surrounding area is not anticipated.
- (c) The proposed public vehicle park will be properly managed with installation of CCTV. The Site will not involve workshop activities and storage of flammable materials. Activities which may cause pollution such as repairing, paint-spraying, dismantling, cleansing, etc. will not be carried out at the Site. Also, the applicant has submitted a fire service installations proposal. Adverse ecological and environmental impacts are not anticipated.
- (d) While a portion of the access road involves other private lots, the applicant has already obtained consent from the land owners of these lots. The applicant will collaborate with the concerned land owners to manage and maintain the access road.
- (e) There is no trees within the Site. Besides, the proposed public vehicle park and the nearby residential developments are separated by trees surrounding the Site, and road. Potential nuisance to the residents is not 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 notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Site is located within the Wetland Buffer Area (WBA) in Deep Bay Area (**Plan A-1**). The Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application and the relevant extract of which is at **Appendix II**.

5. Background

The Site was part of a larger site which was the subject of a planning enforcement case against an unauthorised development (UD) involving storage use (No. E/YL-MP/236) (**Plan A-2**). An Enforcement Notice (EN) was issued on 4.11.2021. Since the UD had not been discontinued upon expiry of the EN, prosecution action was taken. Subsequent site inspection revealed that the UD has been discontinued. The Compliance Notice was issued on 2.5.2024.

6. Previous Applications

- 6.1 The Site is the subject of two previous applications (No. A/YL-MP/52 and 112) respectively for temporary godown and open storage uses with loading/unloading areas and temporary carpark for new left-hand drive vehicles prior to sale, and both of which were rejected by the Committee and by the Board on review in 1999 and 2003 respectively. While the application No. A/YL-MP/112 was for temporary carpark use, it was mainly for storage of new left-hand drive vehicles before putting on sale in the Mainland, which was considered in the context of an open storage use. As such, both applications are not relevant to the current application for public vehicle park (excluding container vehicles).
- 6.2 Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Application

- 7.1 There was a similar application (No. A/YL-MP/364) for proposed temporary shop and services (foot massage parlour), public vehicle park (excluding container vehicle) with ancillary electric vehicle charging facilities and office within the “O” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee on 7.6.2024 for a period of three years, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “O” zone; the proposed uses were considered not incompatible with the surrounding land uses; and there was no adverse comment from concerned government departments or their concerns could be addressed by imposing approval conditions.
- 7.2 Details of the similar application are summarised at **Appendix III**. Its location is shown on **Plan A-1**.

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

- 8.1 The Site is:

- (a) currently hard-paved without trees, partially fenced off and mainly vacant with a few vacant temporary container-converted structures deposited;
- (b) located within the WBA of Deep Bay Area; and
- (c) accessible via a local track and Mai Po South Road connecting to Castle Peak Road – Mai Po.

8.2 The surrounding areas are predominantly occupied by low-density residential development of Royal Palms, residential structures intermixed with metal hardware shop and household item retail store and retail shop of hardware groceries (with valid planning permissions under applications no. A/YL-MP/306 and 329 respectively), hobby farm, plant nursery and vacant land.

9. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments 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 IV** and **V**.

10.2 The following government departments have specific comments on the application:

Traffic

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

- (a) he has no comment from traffic engineering point of view;
- (b) he supports the planning application as the temporary public vehicle park could meet the public demand of vehicle parking spaces; and
- (c) advisory comments as detailed in **Appendix V**.

Open Space Provision

10.2.2 Comments from the Director of Leisure and Cultural Services (DLCS):

- (a) he has no in-principle objection to the application since the application is for three years only; and
- (b) he has no plan to develop the Site into public open space in the upcoming three years.

11. Public Comments Received During Statutory Publication Period

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, four public comments were received, including one from the Chairman of the Yuen Long Town Centre and Rural East Area Committee without providing comments/views on the application, and three from the Owners' Committee of Royal Palms of Phase A and individuals raising objection to the application on the grounds that the proposed use being closely located near the Royal Palms will cause safety concern and noise nuisance; the Site may be used for UD; and the proposed use will remove existing trees and vegetation (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of three years at the Site, which is zoned "O" on the OZP (**Plan A-1**). Although the proposed use is not entirely in line with the planning intention of the "O" zone which is primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public, DLCS has no objection to the application as there is no plan to develop the Site into a public open space in coming three years. According to the applicant, the proposed use is intended to provide parking spaces for residents and schools nearby. C for T supports the application as it could meet the public demand of vehicle parking spaces. In view of the above and taking into the account the planning assessments below, it is considered that the approval of the application on a temporary basis for three years would not jeopardise the long-term planning intention of the "O" zone.
- 12.2 The Site is currently hard-paved, partially fenced-off and mainly vacant with a few vacant temporary container-converted structures deposited. According to the applicant, no structure is proposed to be erected at the Site and there is no existing trees on the Site. The proposed use is considered not incompatible with the surrounding areas which comprise predominantly residential structures, shops, hobby farm, plant nursery and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of the Planning Department (PlanD) considers that the proposed use is not incompatible with the surrounding landscape character and has no objection to the application from landscape planning perspective.
- 12.3 The Site falls within the WBA under TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 Other relevant government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application from environmental, drainage and fire safety aspects respectively. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.

- 12.5 Given that there is an approved similar application involving public vehicle park use within the adjacent “O” zone in the past five years, the approval of the current application is considered in line with the previous decisions of the Committee.
- 12.6 Regarding the public comments as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the PlanD 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 three years until 4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 4.4.2025;
- (b) in relation to (a) 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 4.7.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 4.7.2025;
- (e) if the above planning condition (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
- (f) if any of the above planning condition (a), (b) 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 V**.

- 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 “O” zone which is primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public. 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 8.8.2024
Appendix Ia	FI received on 26.9.2024
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Similar and Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**