

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/305

<u>Applicant</u>	: Right Top Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 3671 S.A, 3672 S.A, 3673 S.A and 3674 RP in D.D.104, Pok Wai, Yuen Long
<u>Site Area</u>	: About 3,372 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 5 Years and associated Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (PVP) (excluding container vehicle) for a period of 5 years and associated filling and excavation of land at the application site (the Site) (**Plan A-1**). According to the Notes of “V” zone of the OZP, ‘Public Vehicle Park (excluding Container Vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board), and any filling and excavation of land also requires planning permission from the Board. The Site is currently partly used for open storage of construction materials and machineries without valid planning approval and partly vacant.
- 1.2 According to the layout plan (**Drawing A-1**) submitted by the applicant, the ingress/egress (8.5m wide) is located at the north-western side of the Site, which is accessible from Kam Pok Road East (**Plan A-2**). One single-storey structure (3m in height) with a total floor area of about 18 m² for site office, meter room and washroom is proposed at the Site. 34 parking spaces for private cars (5m x 2.5m) and 21 parking spaces for light goods vehicle (3.5m x 7m) will be provided at the Site. The operation hour of the proposed temporary PVP is 24 hours daily. Majority of the Site has been filled with concrete by 1-1.7m in depth with not more than 4.5m in depth at the southern tip of the Site, and the remaining part of

the Site will be excavated by not more than 0.1m, forming a new site level of +7.1mPD for the PVP (**Drawings A-2 and A-3**).

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

- (a) Application Form with attachments received on 28.10.2022 (**Appendix I**)
- (b) Further Information (FI) received on 15.12.2022 (**Appendix Ia**) responding departmental comments[#]

[#]exempted from publication requirement

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 are summarised as follows:

- (a) The proposed temporary use will not jeopardise the long term planning intention of the “V” zone and is not incompatible with the surrounding land uses.
- (b) There is no vehicle park operating with valid planning permission within the “V” zone of Pok Wai. The proposed use could alleviate the shortage of parking space in Pok Wai, as well as reducing illegal on-street parking.
- (c) The proposed use will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas and adequate mitigation measures will be provided to mitigate any adverse impact arising from the proposed use.

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

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

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C), majority (about 96.3%) of the Site falls within the Wetland Buffer Area (WBA). The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently subject to on-going planning enforcement actions (No. E/YL-NSW/278 and 279) (**Plan A-2**) against unauthorised developments (UDs) involving filling of land and storage use respectively. For No. E/YL-NSW/278, Enforcement Notice (EN) and Reinstatement Notice were issued on 22.9.2022 and 24.11.2022

respectively requiring discontinuation of the UD and to remove fill materials (including hard paving) on the land. For No. E/YL-NSW/279, EN was issued on 22.9.2022 to the concerned parties requiring discontinuation of the UD. The case is now under monitoring according to established procedures.

6. Previous Applications

There is no previous application at the Site.

7. Similar Applications

There is 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 is:

- (a) accessible from Kam Pok Road East;
- (b) currently fenced-off and north-eastern part of the Site is being used for open storage of construction materials and machineries without valid planning permission and there are some temporary structures. Southern part of the Site is currently vacant but already filled with materials without valid planning permission; and
- (c) partly within the WBA under the TPB PG-No. 12C.

8.2 The surrounding areas have the following characteristics:

- (a) to its south are a fish pond and grassland, and to its further south is Pok Wai Village;
- (b) to its east are Merry Garden, some residential dwellings and grassland;
- (c) to its immediate north is vacant; and
- (d) to its west and northwest across Kam Pok Road East are open storage yard for construction materials and machineries and fish ponds.

9. 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 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

10. Comments from Relevant Government Departments

All government 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.

11. Public Comments Received During Statutory Publication Period

On 8.11.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 29.11.2022, four objecting comments were received from the San Tin Rural Committee, Village Representatives of the Pok Wai Village and individuals (**Appendix V**) on grounds that the proposed temporary use will worsen the traffic condition in addition to current illegal parking of heavy vehicles along Kam Pok Road East and may have possible adverse drainage impacts; part of the Site has already been paved for unapproved brownfield use and there is sufficient parking spaces in the area; and the proposed temporary use will create traffic issue, environmental pollution, and increase fire risk thereby affecting the safety and living quality of the local residents.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary PVP (excluding container vehicle) for a period of 5 years and associated filling and excavation of land at the Site within “V” zone of the OZP. The planning intention of “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion and commercial, community and recreational uses may be permitted on application to the Board. According to the applicant, the PVP for private cars and LGV is to serve the nearby residents and meet the pressing demand of parking spaces. Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, it could provide parking spaces to serve the local residents. According to the District Lands Officer/Yuen Long, Lands Department, there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The proposed PVP for private cars and LGV is considered not incompatible with the surrounding uses which are predominantly residential dwellings and grassland intermixed with storage yards.
- 12.3 According to TPB PG-No. 12C, the Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the

Wetland Conservation Area and prevent development that would have off-site disturbance impact on the ecological value of fish ponds. The proposed use is only temporary in nature and the requirement of Ecological Impact Assessment submission can be exempted. Noting that the Site is located at the fringe of WBA and the surrounding area is disturbed, the proposed use is unlikely to bring significant increase in the disturbance level, Director of Agriculture, Fisheries and Conservation has no strong view on the application from nature conservation point of view.

- 12.4 The proposed use with associated filling and excavation of land would unlikely cause significant adverse impacts on the area. Commissioner for Transport supports the application from traffic engineering perspective for meeting the public demand of car parking spaces. There are no adverse comments from other concerned departments including Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), Director of Fire Services (D of FS) and Chief Town Planner/Urban Design and Landscape, Planning Department from environmental, drainage, fire safety and landscape perspectives. Should the application be approved, technical requirements of CE/MN of DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraph 13.2 below. To minimise potential environmental impacts of the proposed development on the surrounding areas, the applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection.
- 12.5 Regarding the public comments 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 in paragraph 12 and having taken into account the public comments 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 23.12.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) only private cars and light goods vehicles, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) the implementation of the accepted fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.6.2023;
- (e) 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 23.6.2023;
- (f) in relation to (e) 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 23.9.2023;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b), (c) or (g) 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
- (i) 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**.

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

the proposed use is not in line with the planning intention of the "V" zone, which 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 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 28.10.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 15.12.2022
Appendix II	Extract of TPB PG-No. 12C
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout Plan
Drawings A-2 and A3	Plan and section showing filling and excavation of land
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
DECEMBER 2022**