

RNTPC Paper No. A/YL-NTM/439  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 15.7.2022

---

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NTM/439**

<b><u>Applicant</u></b>	: San Wai Tsuen Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 2212 RP and 2213 RP in D.D. 104, San Wai Tsuen, Ngau Tam Mei, Yuen Long
<b><u>Site Area</u></b>	: About 912 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
<b><u>Zoning</u></b>	: “Village Type Development” (“V”)
<b><u>Application</u></b>	: Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to the application site (the Site) for temporary public vehicle park (excluding container vehicle) for a period of 5 years (**Plan A-1**). According to the Notes of the OZP, the proposed temporary use ‘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 used for the applied use without valid planning permission.
- 1.2 The Site is the subject of a previous application No. A/YL-NTM/400 for proposed temporary public vehicle park (excluding container vehicle), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 24.4.2020 for a period of 3 years until 24.4.2023 but revoked on 24.7.2021 due to non-compliance with the approval conditions.

- 1.3 According to the submission, the temporary public vehicle park provides 32 private car parking spaces without any structures. The Site is accessible to San Tam Road via a local track through a 5m-wide ingress/egress at the southwestern boundary. **Drawing A-1** shows the layout of the proposed use. The operation hours of temporary public vehicle park are 24 hours daily.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with supplementary document (**Appendix I**) received on 25.5.2022
  - (b) Further Information (FI) received on 6.7.2022\* (**Appendix Ia**)  
*\*accepted and exempted from 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 with supplementary document and FI at **Appendices I and Ia**. They can be summarized as follows:

- (a) The applied use is column 2 use and the application is on a temporary basis. The approval of the applied use would not jeopardize the long-term planning intention of land use in the area.
- (b) The Site is subject to a previous application (No. A/YL-NTM/400) for the same use. The approval of the current application will not set undesirable precedent for the “V” zone.
- (c) Parking spaces are rented to nearby residents living in San Wai Tsuen on a monthly basis.
- (d) A notice will be posted at a prominent location of the Site to indicate that no light, medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period. As traffic generation and attraction of the applied use is minimal, adverse traffic impact to surrounding road network is not anticipated.
- (e) The applied use will not create significant environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures will be provided after planning approval has been granted from the Board.

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

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

#### **4. Background**

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

#### **5. Previous Application**

5.1 The Site is the subject of a previous application No. A/YL-NTM/400, which was approved by the Committee on 24.4.2020 for a period of 3 years mainly on the consideration that the proposed temporary development would not frustrate the long-term planning intention of “V” zone, the approval of the application is in line with the previous decision of the Committee, and the concerns of government departments could be addressed by approval conditions. However, the planning permission was revoked on 24.7.2021 due to non-compliance with the approval conditions on the provision of boundary fencing, the submission and implementation of drainage proposal, and the submission and implementation of fire service installations proposal.

5.2 Details of the application are summarised at **Appendix II**. Its location is shown on **Plan A-1**.

#### **6. Similar Applications**

6.1 There are three similar applications (No. A/YL-NTM/363, 392 and 418) involving two sites for temporary public vehicle park uses within the “V” zone on the same OZP. They were approved by the Committee from 2018 to 2021 mainly on the consideration that the development would not frustrate the long-term planning intention of the “V” zone and was not incompatible with the surrounding land uses, as well as there was no adverse departmental comment.

6.2 Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

#### **7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plan A-4)**

7.1 The Site is:

- (a) accessible to San Tam Road via a local track;

- (b) paved and fenced; and
- (c) currently used for parking of vehicle.

7.2 The surrounding areas are predominantly village areas:

- (a) to its immediate north and further northeast are village houses. Further north are a petrol filling station and residential dwellings;
- (b) to its immediate east are residential dwellings, a youth centre and a village office;
- (c) to its south are village houses; and
- (d) to its west across a local road are a public toilet, a nullah and San Tam Road.

## **8. 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

## **9. 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.

## **10. Public Comment Received During Statutory Publication Period**

On 7.6.2022, the application was published for public inspection. During the three weeks of the statutory public inspection period, two comments from two individuals were received (**Appendix V**). One of them objects to the application mainly for the reasons that the applied use will cause traffic congestion, environmental pollution and cause risk

on fire and villages' safety, as well as living quality. The other individual raises concerns on the perpetuation of temporary and inefficient land use.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary public vehicle park (excluding container trailer) for a period of 5 years. The Site falls within "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. 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. According to the applicant, the public vehicle park is to serve the nearby residents. Although the proposed use is not entirely in line with the planning intention of the "V" zone, the proposed vehicle park can provide parking spaces to serve the local residents. DLO/YL of LandsD advises that there is no small house application approved or under processing within the Site. Approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the "V" zone.
- 11.2 The proposed development is not incompatible with the surrounding land uses which are predominantly residential dwellings intermixed with some vacant land, village office and public toilet.
- 11.3 Concerned government departments, including DEP, C for T, CHE/NTW of HyD, D of FS, CE/MN of DSD, have no objection to or no adverse comment on environmental, traffic, fire safety and drainage aspects respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions as recommended in paragraph 12.2 below. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the activity on-site and traffic arrangement are recommended in paragraphs 12.2 below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.
- 11.4 There are three similar applications for temporary public vehicle park use within "V" zone on the OZP which were approved by the Committee from 2018 to 2021 as detailed in paragraph 6. Approval of the subject application is in line with the previous decisions of the Committee.
- 11.5 Two public comments were received as stated in paragraph 10 above. Relevant departments' comments as well as the planning assessments and considerations stated above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment in paragraph 10, 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 5 years until 15.7.2027. 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) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period;
- (c) 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;
- (d) the submission of 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 15.1.2023;
- (e) the implementation of 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 15.4.2023;
- (f) the submission of 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 15.1.2023;
- (g) the implementation of 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 15.4.2023;
- (h) in relation to (g) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) if any of the above planning conditions (a), (b), (c) 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

- (j) if any of the above planning conditions (d), (e), (f) or (g) 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 development 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.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the 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 the 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 applicants.

### **14. Attachments**

<b>Appendix I</b>	Application form with supplementary document received on 25.5.2022
<b>Appendix Ia</b>	FI received on 6.7.2022
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments

<b>Drawing A-1</b>	Layout plan
<b>Plan A-1</b>	Location plan with similar application
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JULY 2022**