

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

**APPLICATION NO. A/YL-NTM/466**

- Applicant** : Honour Will Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 830 and 831 in D.D. 102, Lots 397 (Part) and 401 (Part) in D.D. 105 and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 1,034m<sup>2</sup> (including 154m<sup>2</sup> of GL (about 14.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1  
(*currently in force*)
- Approved Ngau Tam Mei OZP No. S/YL-NTM/12  
(*at the time of submission*)
- Zoning** : “Village Type Development” (“V”)  
[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]  
(*currently in force*)
- “Village Type Development” (“V”) (about 96%) and “Open Storage” (“OS”) (about 4%)  
[“V” zone: restricted to a maximum BH of 3 storeys (8.23m)]  
(*at the time of submission*)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars and light goods vehicles only) for a period of three years at the application site (the Site) which falls within an area zoned “V” on the draft San Tin Technopole OZP (**Plan A-1a**)<sup>1</sup>. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use under “V” zone

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<sup>1</sup> The application was received on 21.8.2023 before the publication of the draft San Tin Technopole OZP on 8.3.2024 (see details in paragraph 4.1).

which requires planning permission from the Town Planning Board (the Board). The Site is currently used for parking of vehicles without valid planning permission (**Plans A-2, A-4a and A-4b**)

- 1.2 The proposed use will have a total gross floor area of not more than 163m<sup>2</sup>. It will comprise three single-storey structures (about 3m to 4m in height) for ancillary site office, open shed for parking and toilet. A total of 10 parking spaces (2.5m x 5m) for private cars and 2 parking spaces (3.5m x 7m) for light goods vehicles (LGVs) will be provided (**Drawing A-1**). The Site is accessible from Shek Wu Wai Road via an 6m-wide ingress/egress located at its western boundary (**Drawings A-1 and A-2**). According to the applicant, the operation hours of the proposed use will be between 7:00 a.m. and 11:00 p.m. daily including public holidays.
- 1.3 The Site is the subject of two previously approved applications (No. A/YL-NTM/363 and 418) for the same proposed use submitted by the same applicant. The approvals were revoked in 2021 and 2023 respectively due to non-compliance with approval conditions (see details in paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
- |  |                      |
|--|----------------------|
| (a) Application form received on 21.8.2023                       | <b>(Appendix I)</b>  |
| (b) Further Information (FI) received on 11.12.2023 <sup>#</sup> | <b>(Appendix Ia)</b> |
| (c) FI received on 19.3.2024 <sup>#</sup>                        | <b>(Appendix Ib)</b> |
| (d) FI received on 15.4.2024 <sup>#</sup>                        | <b>(Appendix Ic)</b> |

Remarks: <sup>#</sup> *accepted and exempted from publication and recounting requirements*

- 1.5 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 requests 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 **Appendices I to Ic**. They can be summarised as follows:

- (a) The proposed use is in line with the planning intention of the "V" zone and is primarily for the convenience of the villagers and meeting the exigent parking demand in Shek Wu Wai. It is also compatible with the surrounding environment.
- (b) The Site has been the subject of two previously approved planning application (No. A/YL-NTM/363 and 418) for public vehicle park use since 2018. The applicant had complied with the planning conditions under last application No. A/YL-NTM/418 except those related to the drainage proposal. The non-compliance was due to the tenancy issues between the applicant and the land owner which caused delay in the submission and implementation of the drainage proposal. The applicant has submitted a drainage proposal in the current

application and would implement the accepted fire service installations (FSI) and drainage proposal, should the planning application be approved by the Board.

- (c) Similar applications have been approved by the Board in the nearby “V” zone.
- (d) No significant traffic, noise and environmental impacts are anticipated. No workshop activity will be carried out at the Site.
- (e) Only private cars, LGVs and vehicles with valid licences issued under the Road Traffic Ordinance are permitted to park at the Site.

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

The applicant is not the “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. 31A) by posting site notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

### **4. Background**

- 4.1 The Site fell within an area mainly zoned “V” (about 96%) with a minor portion zoned “OS” (about 4%) on the then approved Ngau Tam Mei OZP No. S/YL-NTM/12 at the time of submission of the current application. In order to take forward the proposed development of the Technopole, the draft San Tin Technopole OZP No. S/STT/1, which covers among others, area excised from the Ngau Tam Mei OZP including the Site, was exhibited under section 5 of the Town Planning Ordinance (the Ordinance) on 8.3.2024. The Site now falls within an area zoned “V” on the draft San Tin Technopole OZP No. S/STT/1.
- 4.2 The Site is not subject to any active planning enforcement action. Nevertheless, the inspection on 15.12.2023 revealed that suspected unauthorized development involving parking of vehicles was identified on the Site. The Site is under monitoring.

### **5. Previous Application**

- 5.1 The Site is the subject of two previous applications (No. A/YL-NTM/363 and 418) submitted by the current applicant for the same use. Application No. A/YL-NTM/363 involved a slightly smaller total floor area, while Application No. A/YL-NTM/418 involved the same development parameters and layout as the current application. The two previous applications were approved by the Committee in 2018 and 2021 respectively each for a period of three years mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; and there were no adverse departmental comments on the applications. The planning permission of application No. A/YL-NTM/363 was

subsequently revoked in 2021 due to non-compliance with the approval condition on implementation of the accepted drainage proposal; whereas the permission for application No. A/YL-NTM/418 was revoked in 2023 due to non-compliance with the approval conditions on the submission and implementation of revised drainage proposal.

- 5.2 Details of the previous applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1a**.

## **6. Similar Applications**

- 6.1 During the past five years, there is one similar application (No. A/YL-NTM/392) for temporary public vehicle park use within the subject “V” zone<sup>2</sup> on the draft San Tin Technopole OZP. The application was approved by the Committee on 4.10.2019 mainly on the considerations as stated in paragraph 5.1 above.
- 6.2 Details of the similar application are summarised at **Appendix II**. Its location is shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) fenced-off and hard-paved with an ingress/egress at the north-west;
  - (b) accessible from Shek Wu Wai Road to its west; and
  - (c) currently used for parking of vehicles without valid planning permission.
- 7.2 The surrounding areas are predominantly residential dwellings, private car and container vehicle park with vehicle repair workshop and open storage of construction materials (with valid planning permission under application No. A/YL-NTM/472), logistic centres, vehicle retail shop and vacant land.

## **8. Planning Intention**

The planning intention of “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. 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

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<sup>2</sup> The similar application fell within the same “V” zone on the then approved Ngau Tam Mei OZP No. S/YL-NTM/12 at the time of consideration by the Committee.

uses may be permitted on application to the 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 29.8.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns that the approval conditions of previous approval had not been complied with which could encourage land abuses (**Appendix V**).

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

11.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars and LGVs only) for a period of three years at the Site. Subsequent to the receipt of the application on 21.8.2023, the draft San Tin Technopole OZP No. S/STT/1 covering the Site was gazetted under section 5 of the Ordinance on 8.3.2024. The Site falls within an area zoned “V” on the draft San Tin Technopole OZP (**Plan A-1a**). 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. Although the proposed use is not entirely in line with the planning intention of the “V” zone, the proposed temporary public vehicle park would address the local parking demand. District Lands Officer/Yuen Long, Lands Department has no adverse comment 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. In this regard, the approval of the application on a temporary basis for three years would not jeopardize the long-term planning intention of the “V” zone.

11.2 The proposed use is considered not incompatible with the surrounding land uses which are mainly residential dwellings, private car and container vehicle park with vehicle repair workshop and open storage of construction materials, logistic centres, vehicle retail shop and vacant land (**Plan A-2**). Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application from landscape planning perspective as no significant landscape impact arising from the proposed use is anticipated.

- 11.3 Concerned government departments, including Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comments on the application. The proposed use will unlikely cause significant adverse traffic, 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.
- 11.4 As detailed in paragraphs 5 and 6 above, the Site was involved in two previous approvals for the same proposed use, while a similar application for similar use within the subject "V" zone was approved in the past five years. The two previous applications (No. A/YL-NTM/363 and 418) for the same proposed use were submitted by the same applicant and approved with conditions by the Committee in 2018 and 2021 respectively each for a period of three years. Although the two planning permissions were subsequently revoked due to non-compliance of approval conditions in 2021 and 2023 respectively, the applicant submitted the FSI proposal under the previous application (No. A/YL-NTM/418) which was approved by D of FS in June 2021, and D of FS has no objection to the submitted FSI proposal. Also, CE/MN, DSD has no objection to the submitted drainage proposal in support of the current application. Besides, the applicant advises that the non-compliance with the approval conditions of the previously approved No. A/YL-NTM/418 was due to tenancy issues which caused delay in the submission and implementation of drainage proposal. The FSI and drainage proposals under the current application have already been accepted by relevant departments, and the applicant commits to implement them should the current application be approved by the Committee. The approval of the current application is in line with the previous decisions of the Committee. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Regarding the public comment as stated in paragraph 10 above, the planning considerations and departmental comments above are relevant.

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

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned 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 3 years until 10.5.2027. The following conditions of approval and advisory clauses are also

suggested for Members' reference:

Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during planning approval period;
- (b) no vehicle without valid licence 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 and light goods vehicles not exceeding 5.5 tonnes 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 and light goods vehicles not exceeding 5.5 tonnes 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 car washing, vehicles repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reserve onto/from public road at any time during the planning approval period;
- (g) 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 10.2.2025;
- (h) the implementation of the accepted 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;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (i) 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
- (k) if any of the above planning condition (g) or (h) 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' consideration:

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.

### **13. Decision Sought**

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

### **14. Attachments**

<b>Appendix I</b>	Application form received on 21.8.2023
<b>Appendix Ia</b>	FI received on 11.12.2023
<b>Appendix Ib</b>	FI received on 19.3.2024
<b>Appendix Ic</b>	FI received on 15.4.2024
<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 comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos