

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NTM/469**

**Applicant** : Mr. CHAN Wah On represented by Top Bright Consultants Limited

**Site** : Lots 2448 (Part), 2455 (Part) and 2459 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long

**Site Area** : About 628m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Draft Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/13  
(currently in force)

Approved Ngau Tam Mei OZP No. S/YL-NTM/12  
(at the time of submission)

[The zoning and the development parameters of the application site remain unchanged on OZP No. S/YL-NTM/13]

**Zoning** : “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]

**Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission for a temporary public vehicle park (private cars and light goods vehicles only) for a period of three years at the application site (the Site) which is zoned “R(D)” on the draft Ngau Tam Mei OZP No. S/YL-NTM/13 (**Plan A-1**). According to the Notes of the OZP for the “R(D)” 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 used for the applied use with valid planning permission under application No. A/YL-NTM/415 until 16.4.2024 (**Plan A-2, A-4a and A-4b**).

- 1.2 According to the applicant, the applied use involves 11 parking spaces for private cars (including two covered parking spaces with a 3m-high temporary canopy of 25m<sup>2</sup>) and 2 parking spaces for light goods vehicles (**Drawing A-1**). No permanent structure is proposed within the Site. An existing walkway along the western part of the Site will be maintained as pedestrian access to the adjacent sites to its north and west. The Site is accessible to San Tam Road through Chuk Yau Road via an ingress/egress at its southwestern corner (**Plan A-2**). The operation hours are 24 hours daily.
- 1.3 The Site is the subject of three previous applications approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2021. All previous applications were submitted by the same applicant with the same applied use and site layout. The last application (No. A/YL-NTM/415) was approved by the Committee on 16.4.2021 and is valid until 16.4.2024. All time-limited approval conditions of the previous application have been complied with. Details of the previous applications are in paragraph 6 below and at **Appendix III**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 16.2.2024 (**Appendix I**)
  - (b) Supplementary Planning Statement (**Appendix Ia**)
  - (c) Further Information (FI) received on 25.3.2024<sup>#</sup> (**Appendix Ib**)
- Remarks: # 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, Supplementary Planning Statement and FI at **Appendices I, Ia and Ib**. They can be summarised as follows:

- (a) There are no plans for any residential development at the Site in coming years. Therefore, the applied use would not jeopardise the planning intention of the “R(D)” zone and would better utilise the scarce land resources to meet the needs of public vehicle park for nearby residents. In addition, the temporary use for three years would not contravene the long-term planning intention of Ngau Tam Mei and affect the future implementation of the Northern Link Main Line and the associated Ngau Tam Mei Station.
- (b) The applied use is the same as the previous applications which were approved by the Committee between 2016 and 2021. As there has been no substantial change in the planning circumstances such as land use zoning and the physical settings surrounding the Site, no adverse planning implication is anticipated under the current application. Besides, all approval conditions of the last application (No. A/YL-NTM/415) have been complied with. There is no change in the layout and planning parameters. The applicant will maintain the existing facilities for the current application.

- (c) The Site is hard-paved and enclosed by adjoining structures and fencing. No car washing, repairing or other workshop activities will be permitted at the Site. The noise associated with the development would be minimal. Also, the Site is currently served by the surface channels approved by Drainage Services Department (DSD) for compliance with the approval conditions of the last application (No. A/YL-NTM/415). As such, no adverse environmental and drainage impact is anticipated.
- (d) The ingress/egress to the Site is about 6m wide. The Site provides sufficient spaces for vehicles to manoeuvre without queuing, parking or reverse movement onto public roads. The minimum width of 5.5m for the parking aisle is provided. The vehicular trip rate is estimated to be about 25 trips per day. No additional traffic will be generated from the Site and no further adverse impact is 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 Ordinance (TPB PG-No. 31B) by posting notice at the Site and sending notification letter to the San Tin Rural Committee. Details information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34D (TPB PG-No. 34D) on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development’ are relevant to this application. Relevant extracts of the Guidelines is attached at **Appendix II**.

### **5. Background**

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

### **6. Previous Applications**

- 6.1 The Site is the subject of three previous applications (No. A/YL-NTM/340, 359 and 415) submitted by the same applicant for the same applied use with same layout. All previous applications were approved with conditions by the Committee for a period of three years between 2016 and 2021 mainly on considerations that the development could provide vehicle parking spaces to meet local demand and serve the adjacent residential development; the temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the applied use was not incompatible with the surrounding land uses; and there were no adverse departmental comments. For the last

application No. A/YL-NTM/415, all the approval conditions have been complied with and the planning permission is valid until 16.4.2024.

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

**7. Similar Applications**

There is no similar application within the same “R(D)” zone on the OZP in the past five years.

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

- 8.1 The Site is currently used for the applied use with valid planning permission and is accessible from Chuk Yau Road through an adjacent private lot.
- 8.2 The surrounding areas are rural in nature comprising predominantly village houses and residential dwellings intermixed with scattered temporary structures for rural workshop/storage uses, open storage, vehicle parking, graves, ponds/dried ponds and unused land. Some of these uses are suspected unauthorised developments subject to planning enforcement action.

**9. Planning Intention**

The planning intention of “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

**10. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the recommended advisory clauses are provided in **Appendices IV** and **V** respectively.

**11. Public Comments Received During Statutory Publication Period**

On 23.2.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising objection to the application on the grounds that the proposed development would aggravate the traffic problem, create adverse environmental, noise, road safety, drainage and sewage impacts to the surroundings (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary public vehicle park (private cars and light goods vehicles only) for a period of three years at the Site, which falls within the “R(D)” zone (**Plan A-1**). The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. While the temporary public vehicle park is not entirely in line with the planning intention of the “R(D)” zone, it could provide public vehicle parking spaces to meet the local demand and serve the local residents in the area. As there is no known long-term development programme for the Site, approval of the application would not frustrate the long-term planning intention of the Site.
- 12.2 The Site is currently hard-paved and has been used as a car park. The applied use is considered not incompatible with the surrounding rural context comprising predominantly village houses and residential dwellings intermixed with scattered temporary structures for rural workshop/storage uses, open storage and vehicle parking (**Plan A-2**). Chief Town Planner/Urban Design & Landscape, Planning Department has no adverse comment on the application.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application under application No. A/YL-NTM/415; no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the last application had been complied with; and the three years approval period sought which is same as the previous planning application is reasonable. The applied use would unlikely cause significant adverse traffic, environmental, drainage and fire safety impacts on the area. There are no adverse comments from the concerned departments including Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North, DSD and Director of Fire Services. Approval conditions on traffic, drainage and fire safety requirements are recommended in paragraphs 13.2 (e) to (i) below as per the advice of relevant departments if the application is approved. Besides, there was no environmental complaint relating to the Site received by DEP in the past three years. Nevertheless, to mitigate the potential environmental impacts of the development on the surrounding areas, approval conditions restricting the types of vehicles and prohibiting workshop type activities at the Site are recommended in paragraphs 13.2 (a) to (d) below. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Environmental Protection Department to minimise any potential environmental nuisances.

- 12.4 The Site is the subject of three previously approved applications for the same temporary use submitted by the same applicant and is currently used as a public vehicle park with valid planning permission. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 Regarding the public comment received as detailed in paragraph 11, the planning assessments 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 comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of three years from 17.4.2024 until 16.4.2027. The following conditions of approval and advisory clauses are also suggested for Member's reference:

#### Approval conditions

- (a) 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;
- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period;
- (d) 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;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.7.2024;

- (h) 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 17.10.2024;
- (i) in relation to (h) above, 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 17.1.2025;
- (j) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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), (h) or (i) 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 at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

**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**

<b>Appendix I</b>	Application Form received on 16.2.2024
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 25.3.2024
<b>Appendix II</b>	Relevant Extract of TPB-PG No. 34D on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'

<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**