

RNTPC Paper No. A/YL-PH/872A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 16.4.2021

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

**APPLICATION NO. A/YL-PH/872**

<b><u>Applicant</u></b>	: CHEUNG Cheong Wing and CHEUNG Shui On (Managers of Cheung Yuk Tsoi Tso)
<b><u>Site</u></b>	: Lot 761 (Part) in D.D. 111, Sheung Che Tsuen, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	: 840 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Proposed Temporary Private Car Park for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission to use the application site (the Site) for proposed temporary private car park for a period of 3 years. The Site is zoned “V” and the proposed use is neither a Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of 3 years requires permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicants, a total of 7 private car parking spaces and one coach parking space (over 5.5 tonnes) will be provided at the Site to serve the local villagers. No structure is proposed at the Site. The operation hours will be from 7:00 a.m. to 7:00 p.m. daily including public holidays, and the number of vehicular trips of the coach is 2 times per day. The site plan submitted by the applicants is at **Drawing A-1**.
- 1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application form with plans received on 27.11.2020 (Appendix I)
- (b) Further Information (FI) received on 19.2.2021 and 25.2.2021 providing responses to departmental comments\*
- (c) FI received on 4.3.2021 and 8.3.2021 providing responses to departmental comments \* (Appendix Ib)
- (d) FI received on 7.4.2021 providing responses to departmental comments\* (Appendix Ic)

*\*exempted from publication requirements*

- 1.4 On 22.1.2021, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision on the application to allow time for the applicants to prepare FI to address departmental comments. After the deferral request, the applicants submitted FI in response to departmental comments. The application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicants in support of the application are detailed in the application form and FI at **Appendices I and Ia**. The applicants stated that as the local villagers population expanded, the demand for parking spaces has also increased. One coach parking space is also proposed for the convenience of its driver who is a disabled local villager. Vehicular trip of the coach is 2 times per day.

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

Cheung Yuk Tsoi Tso (the applicants as the managers) is one of the “current land owners” and 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 letter to Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is not subject to active planning enforcement action.

## 5. **Previous Application**

There is no previous application covering the Site.

## 6. **Similar Applications**

- 6.1 There are 10 similar applications for temporary car park in the same “V” zone. Details of the applications are summarized in **Appendix II** and the location of the sites are shown on **Plan A-1**.
- 6.2 All the applications for temporary public / private vehicle park (for private cars and / or light goods vehicles) for a period of 3 years were approved with conditions by the Committee between 2003 and January 2021 mainly for similar reasons that the proposed carpark would serve the parking need of the local villagers in supporting the village type development; the proposed use was not incompatible with the surrounding area; and the relevant departments had no major adverse comment on the applications. However, the planning permission of seven applications were revoked due to non-compliance of approval conditions.

## 7. **The Site and Its Surrounding Areas (Plans A-2 to A-4)**

- 7.1 The Site is:
  - (a) currently paved and vacant; and
  - (b) accessible via a local track branching off Fan Kam Road to its east.
- 7.2 The surrounding area is rural in character intermixed with residential structures / dwellings, parking of vehicles, basketball court and vacant/unused land:
  - (a) to its north, south and east are residential structures / dwellings (the nearest is about 5m to the east), parking of vehicles, basketball court and vacant / unused land. Fan Kam Road is located to the further east; and
  - (b) to its west across a nullah are residential structures / dwellings and vacant / unused land.

## 8. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 uses may be permitted on application to the Board.

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) It is noted that no structures are proposed.
- (c) There is no Small House application approved or under processing within the Site.

### **Traffic**

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.3 Comments of the Chief Highway Engineer/NT West, Highway Department (CE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

**Environment**

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites”, she does not support the application as there are sensitive receivers, i.e. residential structures / dwellings located in the vicinity of the Site (nearest 5m to the east) (**Plan A-2**), and the proposed use involves the use of heavy vehicles, thus environmental nuisance is expected.
- (b) Should the application be approved, the applicants are advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.

**Nature Conservation**

9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Noting the Site falls within the “V” zone and has been paved, he has no comment on the application from nature conservation point of view. Nevertheless, should the application be approved, the applicants shall be reminded not to pollute or disturb the watercourse located to the west of the Site for the proposed use.

**Drainage**

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) :

- (a) There is a natural stream running to the west of the proposed development. The development should neither obstruct overland

flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

- (b) Should the application be approved, approval conditions requiring the submission of drainage proposal including proposal to not adversely affect the watercourse to the west and implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Fire Safety**

#### 9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design / nature of the proposal, FSIs are anticipated to be required. Therefore the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicants are reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **District Officer's Comments**

#### 9.1.8 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comments from locals upon close of consultation and has no particular comments on the application.

#### 9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer / Construction, Water Supplies Department;
- (b) Project Manager (West), West Development Office, Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services;

- (d) Chief Building Surveyor / New Territories West, Buildings Department;  
and
- (e) Commissioner of Police.

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

On 4.12.2020, the application was published for public inspection. During the three-week statutory publication period, two public comments from individuals were received (**Appendices III-1 and III-2**), objecting to the application mainly on the grounds that the development would increase traffic flow and affect pedestrian safety and living quality of the villagers; the number of vehicles proposed for the Site is not compatible with its size; and land within the “V” zone should be used for community facilities, recreational or open spaces rather than parking which is an inefficient land use.

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

- 11.1 The application is for proposed temporary private car park for a period of 3 years in “V” zone. The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed use is not in line with the planning intention of “V” zone. Nevertheless, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. It is considered that temporary approval of the application would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which is rural in character intermixed with residential structures / dwellings, parking of vehicles and vacant/unused land. Also, according to the applicant, the proposed private car park is to serve the local villagers.
- 11.3 Relevant departments consulted including C for T, CE/MN of DSD and D of FS (except for DEP) have no adverse comment on the application. DEP does not support the application as there are sensitive receivers, i.e. residential structures / dwellings in the vicinity of the Site (nearest about 5m to the east of the Site), and the proposed use involves heavy vehicles whereby environmental nuisance is expected. According to the applicants, only one heavy vehicle parking space (i.e. coach) is proposed to provide convenience for a disabled local villager who is the driver of the coach. According to the applicant, the vehicular trip of the coach is not frequent (i.e. 2 times per day) and operation hours of the public vehicle park is restricted from 7:00 a.m. to 7:00 p.m. In view of the above, sympathetic consideration could be given to the current application. To minimize any environmental nuisance, approval condition restricting the operation hour is recommended in paragraph 12.2(a) below. The applicants will also be advised to follow the relevant mitigation measures and requirements in the latest “Code of

Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2(c) to (h) below.

- 11.4 The Site is not covered by any previous application. There are 10 similar applications for temporary car park use within the same “V” zone approved with conditions by the Committee from 2003 to 2021 as stated in paragraph 6 above.
- 11.5 Two public comments objecting to the application were received during the statutory publication period as stated in paragraph 10 above. In this regard, the departmental comments as well as planning considerations and assessments as stated above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department considers that the proposed temporary private car park could be tolerated for a period of 3 years.
- 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 16.4.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) 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;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) 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 16.10.2021;
- (e) in relation to (d) above, 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 16.1.2022;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;



- (g) 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 16.10.2021;
- (h) in relation to (g) 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 16.1.2022;
- (i) if any of the above planning conditions (a), (b), (c) 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
- (j) if any of the above planning conditions (d), (e), (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' reference:

The proposed development is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification 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 applicants.

**14. Attachments**

<b>Appendix I</b>	Application form with plans received on 27.11.2020
<b>Appendix Ia</b>	FI received on 19.2.2021 and 25.2.2021
<b>Appendix Ib</b>	FI received on 4.3.2021 and 8.3.2021
<b>Appendix Ic</b>	FI received on 7.4.2021
<b>Appendix II</b>	Similar applications within the same “V” zone of the Site on the Pat Heung OZP
<b>Appendices III-1 and III-2</b>	Public comments received during the statutory publication period
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2021**