

RNTPC Paper No. A/YL-PH/931  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 11.11.2022

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

**APPLICATION NO. A/YL-PH/931**

**Applicant** : Mr. CHEUNG Cheong Wing (Manager of Cheung Yuk Tsoi Tso)

**Site** : Lot 761 (Part) in D.D. 111, Sheung Che Tsuen, Pat Heung, Yuen Long

**Site Area** : About 1,267.59 m<sup>2</sup>

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

**Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11

**Zoning** : “Village Type Development” (“V”)  
[Maximum building height of 3 storeys (8.23m)]

**Application** : Renewal of Planning Approval for Temporary Private Car Park for a  
Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary private car park for a period of 3 years. The Site is zoned “V” on the Pat Heung OZP and the applied 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 of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is paved and used for the applied use with valid planning permission under Application No. A/YL-PH/820 (**Plans A-2 to A-4**). All the approval conditions have been complied with and the planning permission is valid until 15.11.2022.
- 1.2 The Site is involved in two previous planning applications (detailed in paragraph 6 below). The current application submitted by one of the applicants of the last approved application No. A/YL-PH/820 is the same in terms of the applied use, site area / boundary, layout and major development parameters.
- 1.3 According to the applicant, 33 private car parking spaces are provided at the Site to serve the residents of Sheung Che Tsuen. The operation hours are 24 hours daily including public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form with supplementary information received on 22.9.2022, 29.9.2022 and 30.9.2022 (Appendix I)
- (b) Further Information (FI) received on 26.10.2022 (Appendix Ia)

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

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FI in **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The private car park is for serving the residents of Sheung Che Tsuen (上輦村).
- (b) The current renewal application is same as the last approved application No. A/YL-PH/820. The fire services installations (FSIs) and drainage proposals implemented have been accepted by relevant departments.
- (c) No events of flooding had occurred at the Site since its operation as a private car park. The applied use would not generate adverse drainage impact to the surrounding area.

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

The applicant, being one of the managers of Cheung Yuk Tsoi Tso, 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 the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

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

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

## 5. **Background**

The Site is currently not the subject of any active planning enforcement action.

## 6. **Previous Applications**

- 6.1 The Site is involved in 2 previous applications (No. A/YL-PH/759 and 820) for the same temporary private car use as the current application. Both applications were approved with conditions by the Rural and New Town Planning Committee (the

Committee) in June 2018 and November 2019 respectively mainly on the grounds that approval of the applications on a temporary basis would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding rural land uses; relevant departments in general had no objection or their technical concerns could be addressed by appropriate approval conditions. Nevertheless, the planning permission of Application No. A/YL-PH/759 was subsequently revoked owing to non-compliance with the approval condition related to the provision of fire service installations (FSIs).

- 6.2 Compared with the last approved Application No. A/YL-PH/820, the current application submitted by one of its applicants is the same in terms of the applied use, site area / boundary, layout and major development parameters. All the approval conditions are complied with and the planning permission is valid until 15.11.2022.
- 6.3 Details of these applications are summarized in **Appendix III** and the locations are shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 There are 5 similar applications (No. A/YL-PH/762, 769, 794, 871 and 872), involving 4 sites, for temporary car park uses within the “V” zone in the vicinity of the Site in the past 5 years. All the applications were approved with conditions by the Committee between December 2017 and April 2021 on similar considerations as stated in paragraph 6.1 above. Nevertheless, the planning permissions of Applications No. A/YL-PH/762 and 794 were subsequently revoked owing to non-compliance with the approval conditions.
- 7.2 Details of these applications are summarized in **Appendix III** and the locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) paved and used for the applied use with valid planning permission under Application No. A/YL-PH/820; and
  - (b) accessible via a local track branching off from Fan Kam Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its north are residential dwellings/structures of Sheung Che Tsuen (上輦村) and vacant land;
  - (b) to its east across a local track are a basketball court, residential dwellings/structures and parking of vehicles (one of which covered by valid planning permission under Application No. A/YL-PH/871). Fan Kam Road is located to the further east;

- (c) to its immediate south is parking of vehicles (covered by valid planning permission under Application No. A/YL-PH/872). To its further south is grassland and residential dwellings/structures; and
- (d) to the west, across a stream course, are residential dwellings/structures and a site with construction works in progress.

**9. 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.

**10. Comments from Relevant Government Department**

The 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 IV** and **V** respectively.

**11. Public Comment Received During the Statutory Publication Period (Appendices VI)**

The application was published for public inspection. During the statutory public inspection period, one public comment was received. An individual objects to the application mainly on the grounds that the development would cause adverse impacts on traffic, environment and fire safety thus affecting the well-being of the villagers nearby.

**12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning permission for temporary private car park for a period of 3 years at the Site zoned “V”. 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. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, DLO/YL of LandsD advises that there is no Small House application approved and under processing at the Site. Also, according to the applicant, the temporary private car park is to serve the residents of Sheung Che Tsuen. It is considered that temporary approval of the application for a further period of 3 years would not frustrate the long-term planning intention of the “V” zone.

- 12.2 The development is considered not incompatible with the surrounding land uses which are generally rural in character with residential structures/dwellings, parking of vehicles, vacant land and grassland. There are also similar temporary car parks approved by the Committee in the vicinity (**Plans A-1 and A-2**).
- 12.3 The application is generally in line with the TPB PG-No. 34D in that the current application is same as the last application in terms of the applied use, site area / layout and major development parameters; the applicant has complied with all the approval conditions; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in planning circumstances since the granting of the previous approval.
- 12.4 Relevant departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. Appropriate approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP.
- 12.5 Given that 2 previous approvals for the same temporary car park use have been granted to the Site and 5 similar applications within the "V" zone in the vicinity of the Site have been approved in the past 5 years, approval of the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the objecting public comment on the application as detailed in paragraph 11 above, government departments' comments and planning assessments 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 considers that the temporary private car park could be tolerated for a further period of 3 years.
- 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 3 years, and be renewed from 16.11.2022 until 15.11.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, 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;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on or enter/exit 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 no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (d) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period; and
- (f) if any of the above planning condition (a), (b), (c), (d) or (e) 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.

*[The above approval conditions are largely the same as those under the previous approved application No. A/YL-PH/820, except deletion of / revision to the conditions related to the traffic, drainage and fire safety aspects based on the latest comments of C for T, CE/MN of DSD and D of FS.]*

#### Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning 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 with supplementary information received on 22.9.2022, 29.9.2022 and 30.9.2022

**Appendix Ia**                      FI received on 26.10.2022

<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	General departmental comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<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  
NOVEMBER 2022**