

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

**APPLICATION NO. A/YL-ST/579**

<b><u>Applicant</u></b>	: Ever Honors Limited represented by R-riches Property Consultants Limited`
<b><u>Site</u></b>	: Lot 1 (Part) in D.D. 102, San Tin, Yuen Long
<b><u>Site Area</u></b>	: About 2,582m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<b><u>Zoning</u></b>	: “Village Type Development” (“V”)
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years. The Site falls within an area zoned “V” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1**). According to the Notes for the “V” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is currently vacant. It is accessible from Castle Peak Road – San Tin via San Tin Tsuen Road and a local track (**Plans A-2 and A-3**). The layout submitted by the applicant is at **Drawing A-1**. The proposed public vehicle park will provide a total of 30 private car parking spaces and 18 light goods vehicle parking spaces. Boundary fencing will be provided along the eastern and southwestern site boundary to prevent visitors from reaching a nearby stream (**Plan A-2**). The ingress/egress (about 7.3m wide) is located at the western part of the Site. The proposed public vehicle park will operate 24 hours daily including public holidays, and one staff member will be stationed at the ingress/egress to monitor the traffic condition and direct vehicle circulation and manoeuvring within the

Site. The private car and light goods vehicle parking spaces will be rented to local residents on a monthly basis. No visitor parking is provided and no vehicle without valid licences are permitted to park at the Site.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form and Planning Statement with replacement pages received on 22.9.2020 **(Appendix I)**
- (b) Further Information (FI) received on 19.1.2021 providing responses to departmental comments with estimated vehicular trips and assessment on the traffic impact *[not exempted from the publication requirement]* **(Appendix Ia)**
- (c) FI received on 23.2.2021 providing responses to departmental comments\* **(Appendix Ib)**
- (d) FI received on 3.3.2021 providing clarification on the operational details of the proposed temporary public vehicle park\* **(Appendix Ic)**

*\* exempted from the publication requirement*

1.4 On 20.11.2020, the Rural and New Town Planning Committee (the Committee) decided to defer a decision on the application for a period of two months as requested by the applicant to allow time for the applicant to prepare and submit FI to address departmental comments. Two sets of FI were received as detailed in paragraph 1.3 above. The application is scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Planning Statement and the FI at **Appendices I and Ib**. They can be summarised as follows:

- (a) The proposed public vehicle park will serve and bring convenience to the local residents nearby.
- (b) The proposed use is not incompatible with the surrounding land use. The proposed use is on a temporary basis and will not frustrate the long term planning intention of “V” zone.
- (c) The estimated vehicular trips generated by the proposed development is low and no adverse traffic impact on San Tin Tsuen Road and the surrounding road network is anticipated.

- (d) The Site is currently vacant and not occupied by the proposed use. Although the Site is within the Wetland Buffer Area (WBA), it is approximately 100m away from the Wetland Conservation Area (WCA), adverse impact on the existing fishpond should not be anticipated.
- (e) The applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department (EPD) to minimise the environmental impacts of the proposed development on the surroundings. Existing trees will be preserved as far as practical and drainage, fire service installations (FSIs) and landscape proposals will be provided upon granting of planning approval. The applicant will reinstate the Site to amenity area after the planning approval period.

### **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is not a "current land owner" of the Site 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 by registered post. Detailed information would be deposited at the meeting for Members' inspection.

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

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application. According to the TPB PG-No. 12C, the Site falls within the WBA. The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

### **5. Background**

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

### **6. Previous Application**

There is no previous application at the Site.

## **7. Similar Applications**

- 7.1 During the past 10 years, there were 20 applications for similar public vehicle park uses within the same “V” zone on the OZP. All of them were approved by the Committee, mainly on the considerations that the proposed developments were not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “V” zone. Amongst them, 9 applications were to support cross-boundary traffic, while 11 applications were to serve local villagers. Details of these applications and their locations are at **Appendix II** and **Plan A-1** respectively.
- 7.2 Two similar applications (No. A/YL-ST/583 and 584) in San Lung Tsuen to the further south of the Site for proposed private vehicle park (private cars only) to serve the local villagers will be considered by the Committee at the same meeting (**Plan A-1**).

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

- 8.1 The Site is:
- (a) accessible from its west via a local track off San Tin Tsuen Road which is further connected to Castle Peak Road – San Tin; and
  - (b) currently vacant.
- 8.2 The surrounding areas are rural in character with predominantly village houses, unused land and fish ponds:
- (a) to its immediate north are residential dwellings and to its immediate east is an existing natural stream;
  - (b) to its immediate northeast, south, west and southwest are ponds and unused land; and
  - (c) to its further east and south are village houses in Fan Tin Tsuen and San Lung Tsuen.

## **9. Planning Intention**

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. 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 Board.

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

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots 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) Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularity on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.
- (c) According to his record, there is no Small House application being processed/approved at the Site.

### **Traffic**

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to San Tin Tsuen Road via a section of a local access which is not managed by the Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) He has no adverse comment on the applicant's FI which provides the estimated vehicular trips and assessment on the traffic impact of the proposed development.

(c) Should the application be approved, the following condition should be incorporated into the planning permission:

- no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

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

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

He has no comment on the application from railway development point of view as the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems.

### **Environment**

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

The applicant is advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise potential impacts on the surrounding areas.

### **Nature Conservation**

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

- (a) The Site falls within WBA and “V” zone. The applicant should be advised to undertake good site practice with proper drainage proposal to avoid potential disturbance to adjacent wetland habitats.
- (b) According to the aerial photo, the Site was covered with vegetation in 2018 but the vegetation was cleared and the land was paved in 2019. Recent inspection in October 2020 further revealed that part of the watercourse to the east of the Site was culverted and a concrete crossing was created over the watercourse, which may indicate a suspected case of ‘destroy first and develop later’.

### **Landscape**

#### 10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

The Site does not fall within landscape sensitive zonings. According to the site visit conducted on 9.10.2020, no significant landscape impact is envisaged. As the proposed use is unlikely to cause any adverse landscape and visual impact, it is considered not necessary to impose a landscape condition, should the application be approved.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to 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 applicant should also be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

### **Building Matters**

#### 10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition, land filling and fencing, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO.
- (b) For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.
- (c) His detailed comments are at **Appendix IV**.

### **Drainage**

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant shall make a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. Approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site.
- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (e) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on the Site under proper maintenance during occupancy of the Site.
- (f) The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure unobstructed discharge from the Site in future.
- (g) His detailed comments are at **Appendix IV**.

### **Others**

#### 10.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

He has no adverse comment on the application and his detailed comments are at **Appendix IV**.

### **District Officer's Comment**

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

His office has no comment on the application and the local comments should be submitted to the Board directly, if any.



10.2 The following Government departments have no comment on or objection to the application:

- (a) Commissioner of Police;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD);
- (c) Project Manager (West), CEDD;
- (d) Director of Electrical and Mechanical Services;
- (e) Chief Engineer/Construction, Water Supplies Department; and
- (f) Director of Leisure and Cultural Services.

## **11. Public Comments Received During Statutory Publication Periods**

On 29.9.2020 and 26.1.2021, the application and the FI were published for public comments. During the 2 statutory public inspection periods, a total of 3 public comments were received from 2 villagers and an individual. They raise objection / concerns that the proposed development is not compatible with the intention of the wetland restoration area, the proposed car park will create noise and light disturbance to the wildlife and birds, oil leakage from the Site will pollute the ponds, the traffic generated will cause congestion, blockage to the police, ambulance and fire-fighting vehicles, road safety problem and affect the living environment of the villagers (**Appendix III**).

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

- 12.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years. The Site falls within the “V” zone which is intended 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. According to DLO/YL, LandsD, there is no Small House application being processed/ approved at 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.
- 12.2 The proposed use is not incompatible with the surrounding areas which are predominantly village houses, ponds and unused land. Besides, the proposed public vehicle park can provide convenient parking facilities for villagers living nearby.
- 12.3 Although the Site falls within WBA, it is specified in TPB PG-No. 12C that planning applications for temporary uses are exempted from the requirement of EcoIA. Should the application be approved, the applicant would be advised to follow DAFC’s advice to undertake good site practice with proper drainage proposal to avoid potential disturbance to adjacent wetland habitats.

- 12.4 CTP/UD&L points out that the Site does not fall within landscape sensitive zoning. Other relevant government departments including C for T, DEP, D of FS and CE/MN of DSD have no objection to or adverse comment on the application. Significant adverse impacts on traffic, environment, fire safety and drainage aspects are not envisaged. To mitigate the potential environmental impacts on the surrounding area, approval conditions restricting the types of vehicles are recommended in paragraphs 13.2 (a) to (c) below. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Technical requirements of C for T, D of FS and CE/MN of DSD are imposed through approval conditions in paragraphs 13.2 (d), (f) to (j) below.
- 12.5 Since 2011, the Committee has approved a total of 20 applications for similar public vehicle park uses within the same “V” zone (of which 11 are to serve the local villagers similar to the current application) as detailed in paragraph 7.1 above. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There are 3 public comments objecting to/raising concerns on the proposed development as detailed in paragraph 11. The planning considerations and the departmental comments above are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 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 5 years until 12.3.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no vehicle other than private cars or light goods vehicles as defined in the Road Traffic Ordinance is allowed to enter/be parked on the Site at all times 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 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 be parked/stored on the Site at all times during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of boundary fencing along the part of the Site close to the existing stream course, as proposed by the applicant, within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 12.9.2021;
- (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 12.9.2021;
- (g) in relation to (f) 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 12.12.2021;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) 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 12.9.2021;
- (j) in relation to (i) above, the implementation of fire service installations 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 12.12.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d) 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
- (l) if any of the above planning conditions (e), (f), (g), (i) or (j) 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**.

- 13.3 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 designate both existing recognised villages and areas of land considered suitable for village expansion. Land within "V" 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.

**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 and Planning Statement with Replacement Pages received on 22.9.2020
<b>Appendix Ia</b>	FI received on 19.1.2021
<b>Appendix Ib</b>	FI received on 23.2.2021
<b>Appendix Ic</b>	FI received on 3.3.2021
<b>Appendix II</b>	Similar s.16 Applications within the Same “V” zone on the Approved San Tin Outline Zoning Plan No. S/YL-ST/8
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended 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>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2021**