

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

**APPLICATION NO. A/YL-ST/583 and 584**

<b><u>Applicant</u></b>	: Mr. MAN Kim Sing
<b><u>Site</u></b>	: Lot 31 in D.D. 102, San Lung Tsuen, San Tin, Yuen Long (Application No. A/YL-ST/583)  Lot 33 in D.D. 102, San Lung Tsuen, San Tin, Yuen Long (Application No. A/YL-ST/584)
<b><u>Site Area</u></b>	: 264m <sup>2</sup> (Application No. A/YL-ST/583) 164m <sup>2</sup> (Application No. A/YL-ST/584)
<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 Private Vehicle Park (Private Cars Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant submitted the subject 2 applications for planning permissions to use the application sites (the Sites) for proposed temporary private vehicle park (private cars only) for a period of 3 years (**Plan A-1**). The Sites are adjacent to each other and fall within the “V” zone covering San Lung Tsuen. Private vehicle park is neither a Column 1 nor Column 2 use within the “V” zone. Notwithstanding this, temporary use or development of any land or building not exceeding 3 years may be allowed with permission from the Town Planning Board (the Board). The Sites are currently paved and vacant.
- 1.2 As shown on **Plans A-2** and **A-3**, the Sites are accessible from San Tin Tsuen Road/Castle Peak Road – San Tin via a local access. The layout plan showing the 2 proposed private car parks are shown in **Drawing A-1**. The proposed private

vehicle parks will have a total of 9 private car parking spaces for Application No. A/YL-ST/583 and 5 private car parking spaces for Application No. A/YL-ST/584, and will be operated 24 hours daily including public holidays.

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

(a) Application Form for:  
Application No. A/YL-ST/583 received on (Appendix Ia)  
12.1.2021  
Application No. A/YL-ST/584 received on (Appendix Ib)  
12.1.2021

(b) Further Information (FI) received on 26.2.2021 (Appendix Ic)  
providing response to departmental comments with  
reduction of car parking spaces under Application  
No. A/YL-ST/584, clarification of the access  
arrangement for the 2 proposed private car parks  
under Applications No. A/YL-ST/583 and 584,  
revised layout plans for both applications and  
replacement pages of the Application Form for  
Application No. A/YL-ST/584\*

(c) FI received on 4.3.2021 providing revised layout (Appendix Id)  
plan for Applications No. A/YL-ST/583 and 584\*

\* *exempted from the publication requirement*

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

The justifications put forth by the applicant in support of the 2 applications are detailed in the Application Forms and the FI at **Appendices Ia to Id**, and are summarised as follows:

- (a) Villagers living in San Lung Tsuen are of the same clan. There is a serious shortage of car parking spaces. The private car parks proposed will serve the parking need of the local villagers. The local access leading to Castle Peak Road – San Tin is a single way vehicular access mainly used by the local villagers who will give way to opposite traffic. The applications will not pose any access problem to the adjoining private lots.
- (b) The 2 private car parks under Applications No. A/YL-ST/583 and 584 share a common access which has a width of about 5.5m and will be adequate for vehicular manoeuvring. For Application No. A/YL-ST/583, the 4 parking spaces (Nos. 1-4) fronting the local access road (**Drawing A-1**) will gain access from the local access road directly and there will be enough space for vehicular manoeuvring without causing traffic problem to the area.

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

The applicant is not a “current land owner” of the Sites 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 obtaining the consent of the current land owners of the Sites of both Applications No. A/YL-ST/583 and 584. 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 Wetland Buffer Area (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 Wetland Conservation Area (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**

Part of the Sites were subject to planning enforcement action (No. E/YL-ST/420) against unauthorised development (UD) involving use for parking of vehicles (**Plan A-2**). An Enforcement Notice (EN) was issued on 2.9.2020 requiring discontinuation of the UD by 2.11.2020. Subsequent site inspection revealed that the UD was discontinued and an Compliance Notice (CN) was issued on 2.2.2021.

### **6. Previous Application**

There is no previous application at the Sites.

### **7. Similar Applications**

- 7.1 During the past 10 years, there were 20 applications for public vehicle park uses within the same “V” zone on the OZP. All of them were approved by the Rural and New Town Planning Committee (the Committee) of the Board, 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 A similar application (No. A/YL-ST/579) in Fan Tin Tsuen further north of the Sites for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years to serve the local villagers will be considered by the Committee at the same meeting (**Plan A-1**).

## **8. The Sites and their Surrounding Areas (Plans A-1 to A-4)**

- 8.1 The Sites are:

- (a) accessible from the west via a local track off San Tin Tsuen Road/Castle Peak Road – San Tin;
- (b) currently paved with a temporary shed at the Site under Application No. A/YL-ST/584. Part of the Sites serve as the access for adjoining lots (such as Lots 25, 32 and 52 SB in D.D.102).

- 8.2 The surrounding areas are predominantly village houses with some vehicle parks and unused land:

- (a) to the immediate north, east, south and west of the Sites are residential dwellings; and
- (b) parking of vehicles are located to the further southwest and southeast of the Sites.

## **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 applications are summarised as follows:

### **Land Administration**

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

- (a) The Sites comprise 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) It is noted that no structure is proposed in the applications.
- (c) According to his record, there is no Small House application being processed/approved at the Sites.

### **Traffic**

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

- (a) The Sites are connected to Castle Peak Road – San Tin 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) Having considered the FI submitted by the applicant, he has no adverse comment on the application from the traffic engineering perspective.
- (c) Should the application be approved, the following condition should be incorporated in 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) The proposed access arrangement from San Tin Tsuen Road/Castle Peak Road – San Tin should be approved by TD.
- (b) HyD shall not be responsible for the maintenance for any access connecting the Sites and San Tin Tsuen Road/Castle Peak Road – San Tin.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Sites to the 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 applications from railway development point of view as the Sites fall 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 environmental impacts on the surrounding areas.

**Nature Conservation**

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

The Sites are paved and disturbed. He has no objection to the applications from the nature conservation point of view.

**Landscape**

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

The Sites do not fall within landscape sensitive zonings and there are no significant landscape resources within the Sites, no significant landscape impact is envisaged. Since the proposed developments are unlikely to create any adverse visual and landscape impact, and there is no prominent public frontage around the Sites, it is considered not necessary to impose a landscape condition should the applications be approved by the Board as the effect of additional landscaping on enhancing the quality of public realm is not apparent.

**Fire Safety**

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

- (a) He has no objection in principle to the applications subject to fire service installations (FSIs) being provided to his satisfaction.

- (b) In consideration of the design/nature of the proposals, 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.
- (c) The applicant is reminded that if any 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.

### **Building Matters**

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

- (a) If any structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the Buildings Ordinance (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 Sites 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 applications from the 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 Sites. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Sites.

- (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 Sites under proper maintenance during occupancy of the Sites.
- (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 Sites in future.
- (g) His detailed comments are at **Appendix IV**.

#### **Water Supplies**

10.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection in principle to Application No. A/YL-ST/583 and no comment on Application No. A/YL-ST/584.
- (b) Exiting water mains within the Sites will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the applicant.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centre line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains shown on **Plan A-2**.

#### **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 applications and the local comments should be submitted to the Board directly, if any.

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

- (a) Commissioner of Police;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD); and
- (c) Project Manager (West), CEDD.

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

On 29.1.2021, the applications were published for public comments. During the first 3 weeks of the statutory publication period, 2 public comments for each of the Application No. A/YL-ST/583 and 584 were received from a villager and an individual with the same content. They raised objection / concerns that the proposed private car parks will increase the traffic flow in the area which will result in traffic congestion, environmental pollution, increasing fire risk, road safety problem and affect the living environment of the villagers; there are no playground or outdoor recreational facilities in the village area as much of the space has been used for parking purpose and consideration should be given to require the provision of carport on ground floor of village houses similar to private residential development (**Appendix III**).

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

- 12.1 The applications are for proposed temporary private vehicle park (private cars only) at the 2 Sites for a period of 3 years. The Sites fall 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 Sites. Approval of the applications on a temporary basis for a period of 3 years would not frustrate the long term planning intention of the “V” zone.
- 12.2 The proposed use is not incompatible with the surroundings areas which are predominantly village houses with some vehicle parks and unused land. The proposed use under the current applications can provide convenient parking facilities for the local villagers living nearby.
- 12.3 Although the Sites fall within the WBA, it is specified in the TPB PG-No. 12C that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no comment on the applications as the Sites are paved and disturbed.

- 12.4 Relevant government departments including C for T, DEP, D of FS, CE/MN of DSD and CTP/UD&L of PlanD have no objection to the applications. Adverse impacts on traffic, environment, fire safety, drainage and landscape aspects are not envisaged. To mitigate the potential environmental impacts on the surrounding area, approval conditions restricting the type of vehicles allowed to access the Sites 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) to (i) below.
- 12.5 Since 2011, the Committee has approved a total of 20 applications for public vehicle park uses within the same “V” zone (of which 11 are to serve the local villagers similar to the current applications) as detailed in paragraph 7.1 above. Approval of the current applications is in line with the previous decisions of the Committee.
- 12.6 There are a total of 4 public comments on the 2 applications raising objection/concerns on the proposed developments 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 considered that the proposed temporary private vehicle parks (private cars only) could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application(s), it is suggested that the permissions shall be valid on a temporary basis for a period of 3 years until 12.3.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no vehicle other than private cars as defined in the Road Traffic Ordinance is allowed to enter/be parked on the Site at all time 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 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 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**;
- (f) in relation to (e) 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**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 **12.9.2021**;
- (i) in relation to (h) 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**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) 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 conditions (e), (f), (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 attached at **Appendix IV**.

- 13.3 Alternatively, should the Committee decide to reject the application(s), 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(s) and decide whether to grant or refuse to grant permission(s).
- 14.2 Should the Committee decide to approve the application(s), Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission(s), and the period of which the permission(s) should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application(s), Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix Ia</b>	Application Form for Application No. A/YL-ST/583 received on 12.1.2021
<b>Appendix Ib</b>	Application Form for Application No. A/YL-ST/584 received on 12.1.2021
<b>Appendix Ic</b>	FI received on 26.2.2021
<b>Appendix Id</b>	FI received on 4.3.2021
<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-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2021**