

RNTPC Paper No. A/YL-ST/608  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 18.2.2022

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

**APPLICATION NO. A/YL-ST/608**

<b><u>Applicant</u></b>	: Mr. MAN Chi Ting represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lot 282 in D.D. 105, Tsing Lung Tsuen, San Tin, Yuen Long
<b><u>Site Area</u></b>	: About 1,080 m <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 for Private Car and Ancillary Shop and Services for a Period of 3 Years and Associated Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a temporary public vehicle park for private car and ancillary shop and services (convenience store) for a period of 3 years and associated excavation of land (**Plan A-1**). The Site falls within a “V” zone covering several villages in San Tin. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ and ‘Shop and Services’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is paved and currently used for vehicle parking without a valid planning permission.
- 1.2 As shown on **Plans A-2** and **A-3**, the Site is accessible from San Tin Tsuen Road via a local access. The site layout is shown in **Drawing A-1**. The proposed public vehicle park will have a total of 36 private car parking spaces and one loading/unloading (L/UL) space for light goods vehicle (LGV) not exceeding 5.5 tonnes to serve the proposed single-storey (about 4m in height) convenience store with a gross floor area (GFA) of about 60m<sup>2</sup>. The proposal includes the excavation of about 41.1 m<sup>2</sup> of the Site at a depth of about 0.3m along its periphery for the

provision of surface U-channel (**Drawings A-2 and A-3**). The proposed public vehicle park will be operated 24 hours daily including public holidays, whereas the proposed convenience store will be operated from 7:00 a.m. to 11:00 p.m. daily including public holidays.

- 1.3 The Application Form received on 28.12.2021 and supplementary information (including the revised site layout plan and replacement pages of the Application Form) received on 4.1.2022 submitted by the applicant in support of the application are at **Appendix I**.

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

The justifications put forth by the applicant in support of the application are detailed in the Application Forms and supplementary information at **Appendix I**, and are summarised as follows:

- (a) The proposed development is in line with the planning intention of the “V” zone which is primarily for the convenience of the villagers. It can meet the parking demand for nearby villagers and residents.
- (b) The proposed development of public vehicle parking for private car is compatible with the surrounding environment.
- (c) A 300mm surface U-channel is proposed along the site periphery to intercept the on-site drainage for discharge to the existing 600mm surface U-channel to the north of the Site (**Drawings A-2 and A-3**). All the proposed drainage facilities will be constructed and maintained by the applicant and approval will be obtained from relevant authorities prior to commencement of works.
- (d) Only private car will be accepted to be parked at the Site. Adequate manoeuvring space will be provided within the Site and queuing up of traffic will not be resulted. No vehicle without valid licences issued under the Road Traffic Regulation will be permitted to park. No workshop activity will be carried out at the Site.
- (e) Planning applications for similar uses had been approved in nearby areas within the “V” zone in the past years.
- (f) The proposed development would not cause significant traffic, noise, environmental and drainage impacts to the surrounding areas.

## **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 Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to San Tin Rural

Committee. 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)***

According to 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**

The Site is not subject to active planning enforcement action.

#### **6. Previous Application**

There is no previous application at the Site.

#### **7. Similar Applications**

- 7.1 During the past five years, there were 14 applications for similar parking uses within the same "V" zone on the OZP (No. A/YL-ST/514, 531, 536, 537, 540, 541, 555, 557, 579, 583, 584, 587, 591 and 606). All these vehicle parks were intended to serve the local villagers and residents within the "V" zone. All of them were approved by the Rural and New Town Planning Committee (the Committee) of the Board mainly for a period of 3 years respectively (whereas Application No. A/YL-ST/514 and No. A/YL-ST/579 were approved for a period of 2 and 5 years respectively), 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.
- 7.2 There was no planning application for public vehicle park and ancillary shop and services use with the same "V" zone during the past five years. Notwithstanding, there were six applications for temporary shop and services uses. Except one application (No. A/YL-ST/505) for temporary convenience store and currency exchange shop which was rejected by the Committee for the reasons that the

proposed development was not in line with the planning intention of the “V” zone and the applicant failed to demonstrate that the proposed development would not have adverse impact on pedestrian traffic in the area, all the five applications (No. A/YL-ST/521, 556, 574, 585 and 605) for temporary retail shops/laundry/pharmacy, convenience store and real estate and travel service agency were approved by the Committee for a period of 3 years respectively for similar considerations for temporary vehicle parks as detailed in paragraph 7.1 above.

7.3 Details of these applications are summarised at **Appendix II**.

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

8.1 The Site is:

- (a) accessible from the west via a local track off San Tin Tsuen Road;
- (b) paved and currently used for parking of vehicle; and
- (c) within the WBA of Deep Bay.

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

- (a) to its immediate north, east and south are village houses/residential dwellings and vehicle parks;
- (b) to its immediate west is a vehicle park and to its immediate southwest is a site approved for public vehicle park for private car under Application No. A/YL-ST/557;
- (c) to its further northwest are vacant land and existing ponds within the “V” zone; and
- (d) to its further southwest across San Tin Tsuen Road is an existing pond within the “Residential (Group D)” zone.

## **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 (NTEH). 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 Site comprises an 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) According to his record, there is no Small House application being processed/approved at the Site.
- (c) Should planning approval be given to the application, the lot owner will need to immediately apply to his Department to permit the structure(s) 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. Application(s) 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(s) 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.

### **Traffic**

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

- (a) Transport Department (TD) supports the application from traffic engineering perspective to meet the public demand of car parking spaces.
- (b) The Site is connected to public road network via a section of a local access which is not managed by 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.
- (c) As there is no information about the vehicular access at the private lot(s) to the Site, the applicant should seek the relevant land owner(s) on the right of using the vehicle access.

- (d) Prohibition of vehicles longer than 7m entering San Tin Tsuen Road from Castle Peak Road is currently implemented.
- (e) Should the application be approved, a condition should be incorporated that 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 access arrangement to the Site from San Tin Tsuen Road should be approved by TD.
- (b) HyD is not/shall not be responsible for the maintenance for any access connecting the Site and San Tin Tsuen Road.
- (c) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

**Environment**

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

- (a) There was no environmental complaint related to the Site in the past 3 years.
- (b) 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” to minimise potential environmental impacts on the surrounding areas.
- (c) It is noted that a toilet will be provided at the Site. The applicant should be advised that if public sewer connection is not feasible and septic tank and soakaway system is proposed for sewage disposal, its design and construction should follow the requirements of the ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorised Person (AP). The use of chemical toilet is also acceptable.

### **Landscape**

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

- (a) Based on the aerial photo of 2021, the Site is situated in an area of rural fringe landscape character surrounded by village houses, fish ponds, vehicle parks, open storage and scattered tree groups. The proposed use is considered not incompatible with its surrounding environment.
- (b) According to the site photos taken in January 2021, the Site is mainly hard paved with small portion of self-seeded grass/groundcover. Given that no significant adverse landscape impact within the Site arising from the development is anticipated, she has no objection to the application from landscape planning perspective.
- (c) In considering that the Site is not abutting prominent public frontage and has limited space for meaningful landscaping, it is considered not necessary to impose a landscape condition should the application be approved by the Board.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) FSIs are anticipated to be required in consideration of the design/nature of the proposal. 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, and the location of the proposed FSI 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.

### **Drainage**

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

- (a) He has no objection in principle to the application 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 Site. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site.
- (c) After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant should ensure and keep all drainage works on the Site under proper maintenance at his own cost during occupancy of the Site.
- (e) His advisory comments are at **Appendix IV**.

### **Building Matters**

#### 10.1.8 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 and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under BO. An AP 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 BD to effect their removal in accordance with the prevailing enforcement policy by BD 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 advisory comments are at **Appendix IV**.

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

- (a) Commissioner of Police;
- (b) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department;
- (c) Director of Agriculture, Fisheries and Conservation
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Chief Engineer/Construction, Water Supplies Department; and
- (f) District Officer (Yuen Long).

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

On 7.1.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 28.1.2022, two public comments were received from two individuals raising objection and concerns on the grounds that the development will increase traffic flow in the area which will result in traffic congestion, environmental pollution, increasing fire risk and affect the safety and living environment of the villagers; the vehicle park is in operation without obtaining the planning approval; and there are inadequate community facilities in the village area (**Appendix III**).

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

- 12.1 The application is for proposed temporary public vehicle park for private car and ancillary shop and services for a period of 3 years and associated excavation of land for provision of drainage facilities. 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. Commercial, community and recreational uses may be permitted on application to the Board. The proposed use is not entirely in line with the planning intention of the “V” zone. However, 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 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 vacant land. According to the applicant, the development is to serve the nearby villagers. It is noted that C for T supports the application as it can meet the public demand of car parking spaces. The proposed ancillary single-storey convenience store (with a GFA of about 60m<sup>2</sup>) could provide daily necessities to serve nearby villagers.
- 12.3 Although the Site falls 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 application from nature conservation

point of view.

- 12.4 Other concerned government departments including DEP, CTP/UD&L, PlanD, D of FS and CE/MN of DSD have no objection to have no objection to or no adverse comment on environmental, landscape, fire safety and drainage aspects respectively. Technical requirements of C for T, D of FS and CE/MN of DSD are imposed through approval conditions in paragraphs 13.2 below. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate any potential environmental impacts on the surrounding areas.
- 12.5 During the past five years, the Committee has approved a total of 14 similar applications for temporary public vehicle park and 5 applications for temporary shop and services use within the same “V” zone as detailed in paragraph 7 above. Approval of the current application is therefore in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment raising objection/concerns on the proposed development as detailed in paragraph 11 above, the planning considerations and 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(s), it is suggested that the permissions shall be valid on a temporary basis for a period of 3 years until 18.2.2025. 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) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) no workshop activity shall be carried out at the Site, as proposed by the applicant, at all 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 **18.8.2022**;
- (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 **18.11.2022**;
- (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 **18.8.2022**;
- (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 **18.11.2022**;
- (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 applied use is not in line with the planning intention of the "V" zone, which is primarily 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 I</b>	Application Form received on 28.12.2021 with supplementary information received on 4.1.2022
<b>Appendix II</b>	Similar s.16 Applications
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Drainage Plan
<b>Drawing A-3</b>	Proposed Excavation Area 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  
FEBRUARY 2022**