

RNTPC Paper No. A/YL-ST/617
For Consideration by
the Rural and New Town
Planning Committee
on 10.6.2022

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

APPLICATION NO. A/YL-ST/617

<u>Applicant</u>	: Abundant Holding Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lots 372 S.D RP (Part), 378, 379, 380, 382 (Part), 383 (Part), 385, 389 S.A (Part), 389 S.B (Part), 389 RP (Part) and 390 in D.D. 99, San Tin, Yuen Long
<u>Site Area</u>	: About 8,475 m ²
<u>Lease</u>	: Block Government Lease (demised agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Green Belt” (“GB”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary public vehicle park (excluding container vehicle) for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with planning permission under application No. A/YL-ST/544 valid until 5.7.2022.
- 1.2 The Site in whole or in part is the subject of 11 previous applications for similar temporary public vehicle park uses (**Plan A-1b**). The last application (No. A/YL-ST/544) submitted by the same applicant for renewal of planning approval was approved with conditions by the Rural and New Town Planning Committee (the

Committee) on 31.5.2019 for a period of 3 years from 6.7.2019 until 5.7.2022. All approval conditions had been complied with.

- 1.3 As shown in **Plan A-2**, the Site is accessible from the south via a local track leading to Castle Peak Road – Chau Tau. According to the layout plan (**Drawing A-1**) submitted by the applicant, there is one existing structure (single storey, 2.6m in height with a gross floor area (GFA) of about 14.64m²) for operational purpose and 147 private car parking spaces are provided. The operation hours of temporary public vehicle park (excluding container vehicle) are 24 hours daily.
- 1.4 The current application is same as the last approved application No. A/YL-ST/544 in terms of applied use, site area/boundary, floor area, number of structures and site layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with appendices and (**Appendix I**) supplementary information received on 14.4.2022.
 - (b) Planning statement (**Appendix Ia**)
 - (c) Further information (FI) received on 19.5.2022. * (**Appendix Ib**)
 - (d) FI received on 25.5.2022. * (**Appendix Ic**)

Remarks: * accepted and exempted from publication and recounting requirements.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, appendices, planning statement and further information at **Appendices I, Ia and Ib**. They can be summarized as follows:

- (a) The Site is located at the southern fringe of the “GB” zone and the applied use can provide a supporting facility to cater for the parking need from those people catching shuttle bus at Lok Ma Chau Public Transport Interchange for cross-boundary travel in the area.
- (b) The applied use is compatible with the surrounding uses in the area. As the nearest villages are located at about 100m away from the Site, no interface problems with the villagers are anticipated.
- (c) The Site was the subject of previous planning permissions for temporary public vehicle park (excluding container vehicle). The parking facilities and the site conditions remain similar to the previous planning permission. All the approval

conditions imposed on the previous planning application No. A/YL-ST/544 have been complied with.

- (d) There were approved applications for similar uses in the surrounding areas. The granting of these permissions indicated that the temporary public vehicle park is considered suitable for the Site.
- (e) The applicant would strictly prohibit vehicles without valid licences to be parked/stored on the Site..
- (f) The proposed temporary development would not change the existing site conditions for providing private car parking spaces. Therefore, additional traffic, drainage and environmental impacts are not anticipated.

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 the San Tin Rural Committee by local courier post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Development with Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10), ‘Application for Development within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C), ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13F) and ‘Renewal of Planning Approval and Extension of Time Limit for Compliance with Planning Conditions’ (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines is at **Appendix II**.

5. Background

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

6. Previous Application

- 6.1 The Site is the subject of 11 previous applications (No. A/YL-ST/147, 211, 234, 292, 337, 347, 362, 410, 434, 487 and 544) for temporary public vehicle park.

Except for the first two applications, all the remaining nine applications were approved by the Committee.

- 6.2 Application No. A/YL-ST/487 and its renewal application No. A/YL-ST/544 submitted by the same applicant were approved by the Committee on 13.5.2016 and 31.5.2019 respectively for a period of 3 years mainly on the consideration that the development was not incompatible with the surrounding land uses, and the concerns of government departments could be addressed by approval conditions. All approval conditions have been complied with.
- 6.3 Details of the applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

During the past five years since 2017, there is no similar application for public vehicle park within the same “GB” zone on the OZP.

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

- 8.1 The Site is:
 - (a) accessible at the south from Castle Peak Road – Chau Tau via a local access;
 - (b) paved, partly fenced off, and occupied by structures for the applied use; and
 - (c) located within the Wetland Buffer Area (about 14%) of Deep Bay.
- 8.2 The surrounding areas are a mix of car park, grass land, cultivated agricultural land and the village settlement of Chau Tau Tsuen:
 - (a) to the immediate north is Chau Tau South Road. To the further north are Chau Tau Tsuen Floodwater Pumping Station, pond, cultivated agricultural land, grass land, and the village settlement of Chau Tau Tsuen;
 - (b) to the east are vacant, cultivated agricultural land and fish farm;
 - (c) to the south and southeast are grass land, a nullah and Lok Ma Chau Spur Line Chau Tau Ventilation Building. To the further south across Lok Ma Chau Road are a car park and a temporary public vehicle park with ancillary facilities approved under Application No. A/YL-ST/588; and
 - (d) to the west are grass land, and Chau Tau West Road.

9. **Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the zone.

10. **Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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.

10.2 The following government department supports the application.

Traffic

10.2.1 Comments of Commissioner for Transport (C for T):

- (a) he supports the planning application from traffic engineering perspective to meet the public demand of car parking spaces;
- (b) no vehicle other than private cars as defined in the Road Traffic Ordinance is allowed to access the Site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to access the Site at any time during the planning approval period;
- (d) 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 is allowed to access the Site at any time during the planning approval period; and
- (e) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

11. **Public Comment Received During Statutory Publication Period**

On 22.4.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 13.5.2022, two

comments were received (**Appendix VI**) raising objection to/concerns about the application on the grounds that the development will result in adverse traffic impact, environmental pollution and increase in fire risk, thereby affecting the living quality and safety of the community.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the zone. Although the temporary public vehicle park is not in line with the planning intention of the “GB” zone, it can satisfy some of the local parking demand arising from local travellers to the Mainland as the Site is located near Lok Ma Chau Control Point. Besides, approval of the application on a temporary basis would not frustrate the long-term planning intention of the subject “GB” zone and the applicant will be required to reinstate the Site to an amenity area upon expiry of the planning permission, as recommended in paragraph 13.2 below. The applied use is considered not incompatible with the surrounding areas that are predominated by public vehicle parks, vacant and cultivated agricultural lands, and village settlement.
- 12.2 A small part of the Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. DAFC has no comment on the application from nature conservation point of view.
- 12.3 The application is in line with the TPB PG No. 13F. According to guidelines, suitable sites in San Tin area may be considered for cross-boundary parking facilities based on individual merits. The Site is located in the vicinity of the Lok Ma Chau Control Point. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers. C for T indicates support to the planning application from traffic engineering perspective in that it would meet the public demand of car parking spaces. Adverse environmental, traffic and infrastructural impacts on the surrounding areas are not anticipated. Other concerned government departments including DEP, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comments on traffic, environmental, landscape, drainage and fire safety aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 below.
- 12.4 The renewal application is generally in line with the TPB PG-No. 34D in that since the last approval, there has been no major change in planning circumstances; adverse planning implications arising from the renewal of the

planning approval are not expected; concerned government departments have no objection to or no adverse comment on the application; and all the approval conditions under the previous approval have been complied with.

- 12.5 The Site (in whole or in part) is the subject of 9 previously approved applications (Nos. A/YL-ST/234, 292, 337, 347, 362, 410, 434, 487 and 544) for the same temporary public vehicle park use. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Two public comments were received during the statutory application period objecting to the application as stated in paragraph 11 above. In this regard, relevant departments' comments as well as the planning assessments and considerations stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment in paragraph 11, the Planning Department considers that the applied use 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 6.7.2022 to 5.7.2025. 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 access the Site at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to access 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 is allowed to access the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site at any time during the planning approval period;

- (f) the paving and boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of photographic records of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.10.2022;
- (h) in relation to (g) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the implementation of the accepted fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.1.2023;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (k) if any of the above planning conditions (g) 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; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

*[The above approval conditions are similar to those under the last approved Application No. A/YL-ST/544, except the deletion of the condition on the submission of fire service installations proposal since the fire service installations proposal in **Appendix I** is accepted by D of FS]*

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the temporary public vehicle park (excluding container vehicle) is not in line with the planning intention of the "GB" zone which is to define the limits of urban development areas by natural features and to contain urban sprawl. There is a general presumption against development. The applicant fails to provide strong planning justification for departing 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 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 applicants.

15. Attachments

Appendix I	Application form received on 14.4.2022
Appendix Ia	Planning statement
Appendix Ib	FI received on 19.5.2022
Appendix Ic	FI received on 25.5.2022
Appendix II	Relevant Extracts of TPB PG-No. 10, 12C, 13F and 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JUNE 2022**