

RNTPC Paper No. A/YL-ST/619
For Consideration by
the Rural and New Town
Planning Committee
on 24.6.2022

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

APPLICATION NO. A/YL-ST/619

<u>Applicant</u>	: TO Shun Hei
<u>Site</u>	: Lot 97 (Part) in D.D. 99 and Lot 2208 S.B RP (Part) in D.D. 96, San Tin, Yuen Long
<u>Site Area</u>	: About 1,047 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>	: “Undetermined” (“U”)
<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/549 valid until 5.7.2022.
- 1.2 The Site is the subject of a previous applications (No. A/YL-ST/549) for proposed temporary public vehicle park (excluding container vehicle), which is submitted by the same applicant and was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 5.7.2019 for a period of 3 years until 5.7.2022. All approval conditions had been complied with.

- 1.3 As shown in **Plan A-2**, the Site is accessible from Lok Ma Chau Road with the ingress/egress located at the northeast of the Site. According to the layout plan (**Drawing A-1**) submitted by the applicant, 18 private car parking spaces are provided. The operation hours of temporary public vehicle park (excluding container vehicle) are 24 hours daily. The current application is same as the last approved application No. A/YL-ST/549 in terms of applied use, site area/boundary and site layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with planning statement report (**Appendix I**) received on 3.5.2022.
 - (b) Supplementary Information (SI) received on (**Appendix Ia**) 13.5.2022
 - (c) Further Information (FI) received on 17.6.2022 (**Appendix Ib**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the planning statement report and SI at **Appendices I and Ia**. They can be summarized as follows:

- (a) The Site falls within “U” zone on OZP which is reserved for the development of the Spur Line and the proposed Northern Link railway system. Approval of the proposed temporary development would not jeopardize the long term planning intention of land use in the area. It is not incompatible with the surrounding land uses which are mainly public vehicle parks.
- (b) A number of applications for similar uses in the same “U” zone were approved by the Board.
- (c) The proposed development could serve the parking demand of local community including residents in Ha Wan Tsuen as well as cross-boundary drivers. The trip generation is low.
- (d) The proposed development is small in scale and no additional traffic, drainage and environmental impacts will be 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 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 a previous application (No. A/YL-ST/549) for proposed temporary public vehicle park (excluding container vehicle) was approved with conditions by the Committee on 5.7.2019 for a period of 3 years mainly on the consideration that the development was not incompatible with the surrounding land uses, the applied use could meet some parking demand of local villagers/residents and cross-boundary travellers, and the concerns of government departments could be addressed by approval conditions. All approval conditions have been complied with.

6.2 Details of the applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1**.

7. **Similar Applications**

7.1 During the past five years since 2017, there are ten similar applications (No. A/YL-ST/501, 513, 523, 530, 543, 563, 568, 580, 581 and 588) for temporary public vehicle park uses within the same “U” zone on the OZP which were approved by the Committee mainly on the consideration that the developments

were not incompatible with the surrounding land uses and the concerns of government departments could be addressed by approval conditions.

- 7.2 Details of the applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:

- (a) accessible at the northeast off Lok Ma Chau Road;
- (b) paved, partly fenced off, and occupied by the applied use; and
- (c) located within the Wetland Buffer Area of Deep Bay.

- 8.2 The surrounding areas are a mix of ponds, grass land, vacant land, vehicle parks and village settlements:

- (a) to the immediate north are Lok Ma Chau Road, a pond, and residential dwellings;
- (b) to the immediate east are residential dwellings and across Lok Ma Chau Road are hill slopes and a refuse collection point;
- (c) to the south and southwest are vacant land, grass land, residential dwellings, vehicle parks and ponds; and
- (d) to the west are residential dwellings, vacant land, and ponds.

9. Planning Intention

The area zoned “U” is for the planning and development of the Spur Line and the proposed Northern Link railway system. Under the “U” zone, any developments or redevelopments, except those permitted under the covering Notes of the OZP, require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, Government, Institution or Community facilities, open space would be adequately provided.

10. Comments from Relevant Government Departments

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.

11. Public Comment Received During Statutory Publication Period

On 13.5.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 4.6.2022, three comments were received from the Rural Representative of Lo Ma Chau and individuals (**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; and the compliance status of the previous application.

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 Site falls within “U” zone on the OZP for the Spur Line and the proposed Northern Link railway system. Noting the temporary nature of the application, CE/RD 2-2, RDO, HyD has no comment on the application from railway development viewpoint. The applied use is considered not incompatible with the surrounding land uses which are predominantly vehicle parks, open storage yards and scattered residential dwellings. The applied use could meet some parking demand of local villagers/residents.
- 12.2 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 adverse comment on the application.
- 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 Since 2017, the Committee has approved ten applications (No. A/YL-ST/501, 513, 523, 530, 543, 563, 568, 580, 581 and 588) for the similar temporary public vehicle park uses. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Three 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 is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (b) no car washing and vehicle repair workshop/dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing are allowed on the Site;
- (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 be parked/stored on the Site;
- (d) the boundary fencing on the Site shall be maintained at all times during the planning approval period;

- (e) the existing fire services installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (f) 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;
- (g) in relation to (f) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) 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
- (i) if the above planning condition (f) 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.

[The above approval conditions are similar to those under the last approved Application No. A/YL-ST/549, except the deletion of the condition on the submission and implementation of fire service installations proposal, the submission and implementation of drainage proposal and the provision of the boundary fencing; and the addition of submission of photographic records of the existing drainage facilities and maintenance of the existing fire service installations implemented on the site and the maintenance of the boundary fencing based on the latest comments of CE/MN of DSD and 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 applied use is not in line with the planning intention of the "U" zone which is for the Spur Line and the proposed Northern Link railway system. 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 with planning statement report received on 3.5.2022
Appendix Ia	SI received on 13.5.2022
Appendix Ib	FI received on 17.6.2022
Appendix II	Relevant Extracts of TPB PG-No. 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 with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JUNE 2022**