

RNTPC Paper No. A/YL-ST/624
For Consideration by the
Rural and New Town
Planning Committee
on 26.8.2022

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

APPLICATION NO. A/YL-ST/624

<u>Applicant</u>	: Fortune Nine (HK) Company Limited
<u>Site</u>	: Lot 674 S.C RP (Part) in D.D. 99, Lots 3060 RP, 3060 S.A, 3060 S.B, 3060 S.C (Part), 3060 S.E (Part), 3060 S.F, 3060 S.G, 3061 (Part), 3062, 3064 RP, 3064 S.A, 3064 S.B, 3064 S.C, 3064 S.D (Part) , 3064 S.E, 3065, 3067 RP, 3067 S.A, 3067 S.B and 3067 S.C in D.D. 102, and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: About 5,475 m ² (including about 713 m ² of GL)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) 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 (private cars only) 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 valid planning permission under Application No. A/YL-ST/555 until 6.9.2022.
- 1.2 The Site or part of the Site is the subject of 20 previous applications as detailed in paragraph 6 below.

- 1.3 As shown in **Plans A-1a and A-2**, the Site is accessible from Tung Wing On Road leading to Castle Peak Road – San Tin via a local access with the ingress/ egress located at the northeast of the Site. According to the layout plan (**Drawing A-1**), there are 13 existing structures (one to two storeys, 2.4m to 5m in height) with a gross floor area of about 1,372m² for shelters and ancillary site office and facilities. A total of 142 private car parking spaces (with 92 covered parking spaces within the shelters) are provided with the Site. The landscape and tree preservation proposal is shown on **Drawing A-2**. The operation hours are 24 hours daily. The current application is same as the last approved Application No. A/YL-ST/555 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 received on 4.7.2022 and supplementary (**Appendix I**) information received on 11.7.2022
 - (b) Further Information (FI) received on 16.8.2022* (**Appendix Ia**)
 - (c) FI received on 22.8.2022* (**Appendix Ib**)

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 and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied development provides a 24-hour park-and-ride facility which could serve the demand for cross-boundary parking facilities and the need of local villagers. The applied use is compatible with the surroundings with public car parks, village type houses, open storage, port back-up uses and temporary community isolation facility.
- (b) The Board had approved previous applications for the same applied use at the Site since 2003. The development parameters and planning circumstances for the current application are similar to the last approved Application No. A/YL-ST/555. All approval conditions of the last approved application have been complied with. Applications of similar uses have been approved in the same “V” zone indicating that the subject area is not unsuitable for such uses on a temporary basis.
- (c) Adverse traffic, drainage or environmental impacts arising from the development on the surroundings are not envisaged.
- (d) The applicants of the Small House developments on Lots 3060 S.B, 3067 S.A, 3067 S.B and 3067 S.C in D.D. 102 have no comment and support the current application

and confirmed that as the Small House applications are still being processed, they would not commence the Small House developments in the coming 3 years until the completion of the planning permission; and the land owners of 3064 S.B, 3064 S.C and 3064 S.D in D.D. 102 have authorised the applicant to handle the planning matter at the concerned lots (**Appendix Ia**).

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. For the GL, the “owner’s consent/notification” requirements are not applicable.

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 planning enforcement action.

6. Previous Application

- 6.1 The Site is the subject of 20 previous applications including eight for temporary container tractor/trailer park with washing/repairing workshop and ancillary facilities (No. A/YL-ST/16, 34, 41, 57, 104, 126, 153 and 203), one for temporary weighing station, type repair workshop and canteen (No. A/YL-ST/222), and 11 for temporary public vehicle/car park (No. A/YL-ST/225, 270, 276, 288, 349, 356, 397, 398, 436, 491 and 555). Among the 11 previous applications having the vehicle park use as the current application, all were approved by the Committee except Application No. A/YL-ST/270.
- 6.2 The Site is currently used under Application No. A/YL-ST/555 which is for renewal of planning approval for temporary public vehicle park. The application was approved with conditions by the Committee on 6.9.2019 for a period of 3

years mainly on the considerations that approval of the application on temporary basis would not frustrate the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding land uses; the applied use could satisfy some of parking demand for local villagers/residents and cross-boundary travellers; the concerns of government departments could be addressed by approval conditions; and the approval of the application was in line with the previous decision of the Committee. 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

- 7.1 During the past five years since 2017, there are 14 similar applications for temporary vehicle/car park use within the same “V” zone on the OZP which were approved by the Committee mainly on the considerations that approval of the application on temporary basis would not frustrate the long-term planning intention of the “V” zone; the developments were not incompatible with the surrounding land uses; the concerns of government departments could be addressed by approval conditions; approval of the application was in line with the previous decisions of the Committee; and the developments were in line with TPB PG-No. 13E.
- 7.2 Details of the applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible at the northeast via a local access from Tung Wing On Road connecting to Castle Peak Road – San Tin;
 - (b) paved, partly fenced off and occupied by the applied use; and
 - (c) located within the Wetland Buffer Area (WBA) of Deep Bay Area.
- 8.2 The surrounding areas are village settlements (Wing Ping Tsuen) with a mix of residential structures and vehicle parks:
- (a) to the north across Tung Wing On Road are a vacant site which has been approved for temporary retail and commercial use under Application No. A/YL-ST/592 and a temporary community isolation facility;

- (b) to the east are residential structures, shops and services, vehicle parks and vacant land; and
- (c) to the west, south and southwest are village settlements of Wing Ping Tsuen with a vehicle park to its further west.

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

All 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 12.7.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 2.8.2022, one public comment was received from an individual raising concerns about the compliance with planning condition, the development has involved government land and the use of the Site as a storage rather than a vehicle park (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning approval for temporary public vehicle park (private cars only) for a period of 3 years. The Site falls within “V” zone on the OZP which 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. The applied use is not entirely in line with the planning intention of the “V” zone. However, the applied

use could meet some of the local parking demand in the vicinity. The applied use is also considered not incompatible with the surrounding land uses which are predominantly vehicle parks, cross-boundary and temporary community isolation facilities, temporary shops and services, village houses and residential structures.

- 12.2 As for DLO/YL of LandsD's comments that there are 5 Small House applications under processing within the Site, the relevant Small House applicants have no comment and support the application and confirmed that they would not commence the construction of their Small Houses in the coming three years should the Small House applications be approved; whereas the concerned land owners have authorised the applicant to handle the planning matters at the concerned lots (**Appendix Ia**). In this regard, 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 as there is no immediate development programme for the Site.
- 12.3 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.
- 12.4 The application is in line with the TPB PG No. 13F in that the Site falls within the Category 4 areas. 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. No environmental complaint related to the Site was received by DEP in the past three years. Adverse environmental, landscape, infrastructural impacts on the surrounding areas are not anticipated. Other concerned government departments including CE/MN of DSD and D of FS have no objection to the application and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 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".
- 12.5 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.

- 12.6 There have been 12 approved previous applications for temporary public vehicle park use in relation to the Site as detailed in paragraph 6 above. Since 2017, the Committee has approved 14 similar applications for temporary vehicle park uses within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 Regarding the public comment raising concerns on the application as detailed in paragraph 11 above, the planning considerations and departmental comments at **Appendix IV** 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 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 3 years and be renewed from 7.9.2022 to 6.9.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to be parked 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 on the Site at any time 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 implementation of the accepted fire service installations proposal 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 7.6.2023;
- (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 7.12.2022;

- (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) 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 any of the above planning condition (e) or (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/555, except the deletion of the submission of fire service installations proposal, the submission and implementation of drainage proposal and provision of buffering space fronting from Tung Wing On Road; and the addition of submission of photographic records of the existing drainage facilities and prohibition of vehicle to queue back to or reverse onto/from public road based on the latest comments of CE/MN of DSD, D of FS and C for T]

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 occupation of the Site for parking of private cars 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 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 4.7.2022 and supplementary information received on 11.7.2022
Appendix Ia	FI received on 16.8.2022
Appendix Ib	FI received on 22.8.2022
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	Layout plan
Drawing A-2	Landscape and Tree Preservation Proposal
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
AUGUST 2022**