

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/524

- Applicant** : Mr. LEE Wai-chiu represented by Land Chartering Limited
- Site** : Lot 1213 (Part) in D.D. 117, Tai Tong Tsuen, Yuen Long, New Territories
- Site Area** : 2,100 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (LGVs) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public vehicle park for private cars and light goods vehicles (LGVs) for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Tai Tong Road to its east (**Plan A-2**). According to the applicant, the proposed use is intended to serve the nearby residents and their visitors. No open storage, vehicle repairing, loading/unloading, dismantling and workshop activities will be carried out at the Site. Only private cars and LGVs will be parked at the Site. Plans showing the vehicular access leading to the Site, site layout with run-in/out proposal, fire service installations (FSIs) proposal and drainage proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of two previous applications (No. A/YL-TT/434 and 491) (details at paragraph 5 below). The major development parameters of the current application are the same as the previously approved application No. A/YL-TT/491 and are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/491	Current Application No. A/YL-TT/524
Applied/ Proposed Use	Temporary Public Vehicle Park for Private Cars and LGVs for a Period of 3 Years	
Site Area	2,100 m ² (about)	
Total Floor Area (Non-domestic)	40 m ² (about)	
No. and Height of Structures	2 • for cashier office, toilet and guard room (not exceeding 3m, 1 storey)	
No. of Parking Spaces	58 • 53 for private car (5m x 2.5m each) • 5 for LGV (7m x 3.5m each)	
Operation Hours	24 hours daily	

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

- (a) Application Form with annexes and plans received on 12.8.2021 (**Appendix I**)
 - (b) Supplementary Information received on 18.8.2021 (**Appendix Ia**)
 - (c) Supplementary Information received on 19.8.2021 (**Appendix Ib**)
 - (d) Further Information (FI) received on 18.11.2021 (**Appendix Ic**)
 - (e) FI received on 21.12.2021 (**Appendix Id**)
 - (f) FI received on 24.1.2022 (**Appendix Ie**)
 - (g) FI received on 18.7.2022 (**Appendix If**)
- [(d) to (g) exempted from publication and recounting requirements]*

1.5 On 24.9.2021, 14.1.2022, 18.3.2022 and 20.5.2022, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application each for a period of two months as requested by the applicant. FI have since been received and the application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are in the Application Form and its annexes (**Appendix I**). They can be summarised as follows:

- (a) The Site is subject of two previous planning permissions (No. A/YL-TT/434 and A/YL-TT/491) for the same use as the current application. The former application was submitted by an ex-tenant who failed to comply with the approval conditions. The current applicant was unable to comply with the approval conditions of the latter planning permission in time due to some misunderstanding between the contractors and the concerned departments. The applicant had in fact implemented the run-in/out albeit without submitting the technical proposal for approval. To avoid further complications, a new ingress/egress point is proposed under the current application.
- (b) The proposed use is in line with the planning intention of the “V” zone. Proper entrance gates/fencing have been provided to maintain good site management.

- (c) There will be minimal environmental, landscape and traffic impacts arising from the proposal.

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 obtaining consent from the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to planning enforcement action against unauthorised development (UD) involving parking of vehicles and storage use (including deposit of containers) (**Plan A-2**). Enforcement Notice (EN) was issued to the concerned parties on 13.5.2021 requiring discontinuation of the UD. As the UD on site has not been discontinued upon expiry of the EN, prosecution action against the Notice Recipients is being taken.

5. Previous Applications

- 5.1 The Site involves two previous applications (No. A/YL-TT/434 and 491) for the same use as the current application, which were approved with conditions by the Committee each for a period of 3 years in 2018 and 2020 respectively, mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposals were not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions were revoked in 2019 and 2020 respectively due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.
- 5.2 Compared with the last application (No. A/YL-TT/491), the current application is submitted by the same applicant for the same use at the same site with the same development parameters and similar site layout (i.e. with different ingress/egress point).

6. Similar Application

There is one similar application (No. A/YL-TT/352) for temporary public vehicle park use straddling the subject “V” zone, which was approved with conditions for a period of 3 years by the Committee in 2015 mainly on the considerations as those specified in paragraph 5.1 above. However, the planning permission was subsequently revoked in 2016 due to non-compliance with approval conditions. Details of the application are at **Appendix II** and the location of the site is shown on **Plan A-1**.

7. 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 the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the 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.

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

8.1 The Site is:

- (a) accessible from Tai Tong Road to its east via a local track (**Plan A-2**); and
- (b) formed, hard paved and currently vacant (**Plans A-2 and A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2**):

- (a) comprise mainly village houses intermixed with car parks/parking of vehicles, a Tsz Tong, playground, sitting-out area, basketball court, village office, an orchard, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest ones located about 10m to its southeast;
- (c) to the north of the Site is an “Agriculture” zone on the OZP; and
- (d) the car parks/parking of vehicles in the vicinity are suspected UDIs subject to enforcement action taken by the Planning Authority.

9. 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 III and IV** respectively.

10. Public Comments Received During the Statutory Publication Period

On 20.8.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three comments were received from the then Yuen Long District Council (YLDC) Chairman and two individuals. The then YLDC Chairman objects to the application on the grounds that the applicant had failed to comply with the approval conditions of the two previous planning permissions (**Appendix V-1**). One individual objects to the application on the grounds that the proposed use will cause adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V-2**). Another individual opines that the reasons provided

by the applicant for non-compliance with the approval conditions of the previous planning permission were not convincing (**Appendix V-3**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park for private cars and LGVs for a period of 3 years at the Site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, which is primarily for development of Small Houses by indigenous villagers, the proposed use could meet any such demand for parking in the area. According to District Lands Officer/Yuen Long, Lands Department, there is currently no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The proposed use is generally not incompatible with the surrounding uses, which are predominantly rural residential in nature intermixed with car parks/parking of vehicles, agricultural land and vacant land/structures (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including Commissioner for Transport (C for T), Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD). Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 The Site involves two previous applications (No. A/YL-TT/434 and 491) for the same use as the current application, which were approved with conditions each for a period of 3 years by the Committee in 2018 and 2020 respectively. However, both planning permissions were subsequently revoked in 2019 and 2020 respectively due to non-compliance with time-limited approval conditions. The current application is submitted by the same applicant as application No. A/YL-TT/491 with similar layout and the same development parameters. Nevertheless, the Site is currently vacant, the applicant has provided justifications for non-compliance with the previous approval conditions, as well as provided a revised run-in/out arrangement along with drainage and FSIs proposals for the current application, which are considered acceptable by the Chief Highway Engineer/New Territories West, Highways Department, C for T, CE/MN, DSD and D of FS. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Given that two previous approvals for the same use have been granted to the Site and one similar application straddling the subject “V” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 There are three public comments objecting/providing views on the application received during the statutory publication period as summarised in paragraph 10

above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 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 until 9.9.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) only private cars and light goods vehicles, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site, at any time during the planning approval period;
- (b) the implementation of the accepted 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 9.6.2023;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 9.6.2023;
- (e) if any of the above planning condition (a) or (c) 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
- (f) if any of the above planning condition (b) or (d) 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 at **Appendix IV**.

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

the proposed use is not in line with the planning intention of the "V" zone which is primarily 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with annexes and plans received on 12.8.2021
Appendix Ia	Supplementary Information received on 18.8.2021
Appendix Ib	Supplementary Information received on 19.8.2021
Appendix Ic	FI received on 18.11.2021
Appendix Id	FI received on 21.12.2021
Appendix Ie	FI received on 24.1.2022
Appendix If	FI received on 18.7.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-3	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan with Run-in/out Proposal
Drawing A-3	FSIs Proposal
Drawing A-4	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**