

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/552

- Applicant** : Mr. HO Ting Yau represented by Metro Planning and Development Company Limited
- Site** : Lots 1080 (Part) and 1081 RP (Part) in D.D. 117 and Adjoining Government Land (GL), Wong Nai Tun Tsuen, Yuen Long, New Territories
- Site Area** : 1,152 m² (about) (including GL of about 81.6m² or 7.1%)
- 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** : Temporary Public Vehicle Park for Private Car for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private car for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ within the “V” zone requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2** and **A-4**).
- 1.2 The Site is abutting Wong Nai Tun Tsuen Road (**Plan A-2**). According to the applicant, the proposal is to serve the residents of Wong Nai Tun Tsuen. No light, medium or heavy goods vehicles, including container tractors/trailers, and only vehicles with valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site. Plans showing the site layout, as-built drainage facilities, run-in/out proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1** to **A-4** respectively.
- 1.3 The Site is the subject of one previous application (No. A/YL-TT/486) (details at paragraph 5 below).

- 1.4 The major development parameters of the previously approved application (No. A/YL-TT/486) and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/486 (a)	Current Application No. A/YL-TT/552 (b)	Difference (b)-(a)
Applied Use	Temporary Public Vehicle Park for Private Car for a Period of 3 Years		--
Site Area	About 1,152 m ²		--
Total Floor Area (non-domestic)	--	Not more than 20 m ²	+20 m ²
No. and Height of Structure	--	1 • for site office (4m, 1 storey)	+1
No. of Parking Spaces	24 (for private car) (5m x 2.5m each)		--
No. of Loading and Unloading Spaces	--	--	--
Operation Hours	24 hours daily		--

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

- (a) Application Form with annex and plans received on 11.5.2022 **(Appendix I)**
- (b) Further Information (FI) received on 25.5.2022 **(Appendix Ia)**
- (c) FI received on 14.6.2022 **(Appendix Ib)**
[(b) and (c) 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 FI (**Appendices I and Ib**). They can be summarised as follows:

- (a) The Site has been the subject of a previous planning permission for the same use since 2019. The applicant had complied with all approval conditions imposed to the last application, except implementation of run-in/out proposal as more time was required to liaise with CLP Power Hong Kong Limited on the relocation of an underground electricity cable underneath the proposed run-in/out.
- (b) The temporary proposal would not jeopardise the planning intention of the “V” zone and is compatible with the surrounding environment. Similar application has been approved in another “V” zone on the subject OZP. There will be minimal traffic, drainage and environmental 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 posting site notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under the TPB PG-No. 31A are not applicable.

4. Background

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

5. Previous Application

The Site involves one previous application (No. A/YL-TT/486) for the same use as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 1.11.2019, mainly on the considerations that approval of the application on a temporary basis would not frustrate the planning intention of the “V” zone; the proposal was not incompatible with the surrounding environment; and the concerns of departments could be addressed by imposing approval conditions. However, the planning permission was revoked on 1.4.2022 due to non-compliance with time-limited approval condition on implementation of run-in/out proposal. Compared with the previous application, the current application is submitted a different applicant for the same use on the same site with largely the same site layout and development parameters. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the subject “V” zone.

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

7.1 The Site is:

- (a) abutting Wong Nai Tun Tsuen Road to its east (**Plans A-2 and A-3**);
- (b) hard-paved and partly fenced-off; and
- (c) currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) rural residential in character comprising predominantly village houses and residential structures, intermixed with storage yards, village office, construction sites, refuse collection point (RCP), public toilet and shrubland land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southwest;

- (c) to the east is a nullah flanked by Wong Nai Tun Tsuen Road and Kiu Hing Road; and
- (d) the storage yards in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

8. 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.

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 20.5.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments was received from the Village Representative of Wong Nai Tun Tsuen and two individuals objecting to the application mainly on the grounds that the applied use will involve GL; it will obstruct the existing accesses; the proposed structure in proximity to RCP and public toilet will cause infestation and related public health and environmental hygiene impacts; the proposal will generate traffic congestion, environmental nuisances (noise and air pollution) and fire risk; the Site is near a traffic accident black spot; and the number of parking space observed on site is generally higher than the 24 spaces proposed by the applicant (**Appendices V-1 to V-3**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private car for a period of 3 years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, which is primarily for development of Small House by indigenous villagers, the proposal could meet any such demand for parking in the area. According to the 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 surrounding area comprises predominantly village houses and residential structures intermixed with storage yards (**Plan A-2**). The applied use is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment on the application from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD). Significant 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 to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental impact on the surrounding areas.
- 11.4 The Site involves one previous application (No. A/YL-TT/486) for the same use as the current application which was approved with conditions for a period of 3 years by the Committee on 1.11.2019. However, the planning permission was revoked on 1.4.2022 due to non-compliance with time-limited approval condition on implementation of run-in/out proposal. Nevertheless, the applicant has provided justification on the non-compliance and submitted run-in/out, drainage and FSIs proposals for the current application; CE/MN, DSD and D of FS have no in-principle objection to the application. Furthermore, Chief Highway Engineer/New Territories West, Highways Department has no adverse comment on the application and no longer require the provision of run-in/out for the applied use to his satisfaction. 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 would unlikely be given to any further applications.
- 11.5 Given that one previous approval for the same use has been granted to the Site, approval of the current application is generally in line with the Committee's previous decision.
- 11.6 There are three public comments objecting to the application 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 24.6.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no light, medium or heavy goods vehicles, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record 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 24.9.2022;
- (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 24.3.2023;
- (f) if any of the above planning condition (a), (b) 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
- (g) if any of the above planning condition (d) or (e) 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 applied 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 annex and plans received on 11.5.2022
Appendix Ia	FI received on 25.5.2022
Appendix Ib	FI received on 14.6.2022
Appendix II	Previous Application covering the Site
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-3	Public Comments Received During the Statutory Publication Period
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	Run-in/out Proposal
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**