

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/563

- Applicant** : Mr YUEN Hon Wah represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 116, Yuen Long, New Territories
- Site Area** : 1,040 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Residential (Group D)” (“R(D)”) (about 99.6%); and
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]

“Village Type Development” (“V”) (about 0.4%)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park for Private Cars and Van-Type Light Goods Vehicles (LGVs) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private cars and van-type LGVs for a period of 3 years at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP for the “R(D)” 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 occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local road leading from Tai Shu Ha Road East to its west (**Drawing A-1**). According to the applicant, the applied use is intended to serve the nearby residents of Nga Yiu Tau. Only private cars and van-type LGVs will be allowed to park at the Site. No vehicles without valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site. No workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, tree preservation proposal and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of four previous application (No. A/YL-TT/274, 377, 452 and 463) (details at paragraph 5 below).
- 1.4 The major development parameters of the current application and the last previously approved application No. A/YL-TT/463 are the same and are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/463	Current Application No. A/YL-TT/563
Applied Use	Temporary Public Vehicle Park (Private Cars and Van-type LGVs) for a Period of 3 Years	
Site Area	About 1,040 m ²	
No. of Loading/ Unloading Space	Nil	
No. of Parking Spaces (5m x 2.5m each)	28 (for private cars and van-type LGVs)	
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 11.7.2022 **(Appendix I)**
 - (b) Further Information (FI) received on 30.8.2022 **(Appendix Ia)**
[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 Ia**). They can be summarised as follows:

- (a) The Site is the subject of two previous planning permissions and it has been occupied for carpark use since 2016. All the approval conditions of the last application (No. A/YL-TT/463) had been complied with.
- (b) For the planning permission for erection of a house under application No. A/YL-TT/452, as lease modification takes significant time to process, a temporary development for three years could make the best use of the land in the meantime.
- (c) The applied use can meet the local demand for parking spaces and is compatible with the surrounding environment. The temporary proposal is in line with the planning intention of the “V” zone. Similar applications have been approved by the Board in the vicinity of the Site, as well as in other areas of Yuen Long.
- (d) There will be minimal traffic, environmental and drainage 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.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site involves four previous applications, including two approved applications for proposed utility installation for private project (electricity package substation) and excavation of land (No. A/YL-TT/274) and proposed houses (No. A/YL-TT/452), which are not relevant to the current application, as well as two approved applications (No. A/YL-TT/377 and 463) for the same use as the current application. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TT/377 and 463 were approved with conditions by the Board on review¹ or the Rural and New Town Planning Committee (the Committee) of the Board in 2016 and 2019 respectively, mainly on the considerations that the proposals were generally not incompatible with the surrounding uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. For the last application (No. A/YL-TT/463), all the approval conditions had been complied with and the planning permission lapsed on 3.8.2022.
- 5.3 Compared with the last application, the current application is submitted by the same applicant for the same use on a similar site with the same layout and development parameters.

6. Similar Application

There is no similar application within the subject “R(D)” zone.

¹ Application No. A/YL-TT/377 was approved with conditions by the Committee on 13.5.2016. On 16.6.2016, the applicant applied, under section 17(1) of the Town Planning Ordinance, for a review of the Committee’s decision to impose approval condition restricting the operation hours of the Site under approval condition (a). The applicant sought to waive the restriction to allow vehicles to be parked on Site on a 24-hour and daily basis. The Board subsequently approved the s.17 review application on 2.9.2016.

7. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

8.1 The Site is:

- (a) accessible from Tai Shu Ha Road East to its west via a local road (**Drawing A-1, Plans A-2 and A-3**);
- (b) hard paved, largely fenced off; and
- (c) currently occupied by the applied use without valid planning permission (**Plan A-4**).

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

- (a) rural residential in character comprising predominantly residential dwellings/village houses intermixed with agricultural land, car parks, a warehouse, a storage yard, a construction site and unused land/ structures;
- (b) there are residential dwellings in the vicinity with the nearest ones located to its immediate east; and
- (c) the car parks, warehouse and storage yard in the vicinity of the Site are suspected unauthorised developments 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 19.7.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objects to the application mainly on the grounds of a disputed claim on ownership for one of the lots within the Site and that approval of the application would worsen the traffic condition in the area (**Appendix V-1**). Another individual objects to the application mainly on the grounds that the applied use will cause adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private cars and van-type LGVs for a period of 3 years at the Site mainly zoned “R(D)” on the OZP. Although the applied use is not in line with the planning intention of the “R(D)” zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas and for low-rise, low density residential developments, the proposal could meet any such demand for parking in the area. While there is an approved development proposal for the erection of houses at the Site (No. A/YL-TT/452), the applicant has justified that the land exchange procedure would take significant time to process and hence the Site can be better utilised for car parking purpose in the interim. As such, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The applied use is considered not incompatible with the surrounding land uses which are mainly rural residential dwellings intermixed with agricultural land, car parks, warehouse and storage yard (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. 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 Given that two previous applications (No. A/YL-TT/377 and 463) for the same use have been approved, approval of the current application is considered in line with the Committee’s previous decisions.
- 11.5 There are two public comments objecting to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the land dispute concerning part of the Site, the applicant will be advised to resolve any land issues relating to the development with the concerned owner(s) of the Site.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above 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 enter/be parked at the site at any time during the planning approval period;
- (b) 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 9.12.2022;
- (c) in relation to (b) above, the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.3.2023;
- (e) in relation to (d) above, the implementation of the 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;
- (f) 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
- (g) if any of the above planning condition (b), (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 Member's reference:

the applied use is not in line with the planning intention of the "R(D)" zone which is primarily for improving and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low density residential developments. No strong planning justification has been given in the submission to justify 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 11.7.2022
Appendix Ia	FI received on 30.8.2022
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Tree Preservation Proposal
Drawing A-4	Drainage Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**