

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/569

- Applicant** : Mr LAM Tim Fook represented by R-riches Property Consultants Limited
- Site** : Lot 17 (Part) in D.D. 117, Shui Tsiu San Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : 923m² (about)
- Lease** : Unknown
- 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 (Excluding Container Vehicle) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 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 northeast via a local road (**Plan A-3**). According to the applicant, the proposed use is intended to serve the residents of Shui Tsiu San Tsuen. 30 parking spaces for private cars will be provided at the Site and the proposed use will operate 24 hours daily. No light, medium or heavy goods vehicles, including container tractors/trailers, and no vehicles without valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be allowed at the Site. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 In support of the application, the applicant has submitted an Application Form with annex and plans received on 24.8.2022 (**Appendix I**).

2. Justifications from the Applicant

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

- (a) The proposed use can meet the local demand for parking spaces and is compatible with the surrounding environment. The temporary proposal would not jeopardise the long-term planning intention of the “V” zone.
- (b) The proposal will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. A notice will be posted at a prominent location of the Site to indicate that no light, medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site. There will be minimal traffic, environmental, landscape 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 subject to planning enforcement action against unauthorised development (UD) involving use for place for parking of vehicles (**Plan A-2**). Enforcement Notice (EN) was issued on 16.5.2022 requiring discontinuation of the UD. The UD on site was discontinued before expiry of the compliance period of the EN on 17.8.2022.

5. Previous Application

The Site is not involved in any previous application.

6. Similar Applications

- 6.1 There are ten similar applications for various public vehicle park uses within/straddling the subject “V” zone considered by the Rural and New Town Planning Committee (the Committee) of the Board between 1999 and 2022. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

- 6.2 Out of the ten applications, nine were approved by the Committee each for a period of 2 to 5 years mainly on similar considerations that the applications could help meet the local parking demand; approval of the applications on a temporary basis would not frustrate the long-term planning intention; and the developments were not incompatible with the residential character of the area. However, the planning permissions for two of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining application (No. A/YL-TT/158) was rejected by the Committee in 2004 mainly on the grounds that the development (which was primarily a vehicle repair workshop with ancillary parking of vehicles use) was not in line with the planning intention of the “V” zone; the development was not compatible with the residential character of the area; there was no information to demonstrate that the proposal would not generate adverse traffic impacts on the surrounding areas; and approval of the application would set an undesirable precedent for other similar applications.

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 northeast via a local road (**Plan A-3**); and
- (b) paved and currently vacant (**Plan A-4**).

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

- (a) comprise predominately village houses and residential structures with scattered car parks/parking of vehicles, storage yard, village office, public toilets, Tsz Tongs, garden, electricity substation, refuse collection point, agricultural land and unused land;
- (b) there are residential structures in the vicinity of the Site with the nearest ones located to its immediate south; and

- (c) except for two car parks/parking of vehicles with valid planning permissions (No. A/YL-TT/492 and 559), the other car parks/parking of vehicles and storage yard in the vicinity are suspected UD's 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

- 10.1 On 2.9.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received from a resident of Shui Tsui San Tsuen and three individuals.

Objections (3 Comments)

- 10.2 A resident of Shui Tsui San Tsuen (**Appendix V-1**) and an individual (**Appendix V-2**) object to the application on the grounds that the Site is under ownership of indigenous villagers/ Tso/Tong and there is no local consensus on the future management and operation of the proposal; the proposal would only benefit car owners of the village; and suggest that the Site should be used for recreation purpose instead. Another individual objects to the application mainly on the grounds that the proposal will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V-3**).

Comment Providing Views (1 Comment)

- 10.3 One individual mainly queries the demand for parking spaces in the area and alleges that the proposed use will encourage car ownership (**Appendix V-4**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 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 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 5 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 comprise predominantly village houses and residential structures intermixed with car parks/parking of vehicles (**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 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 there are nine similar approvals within/straddling the subject “V” zone, approval of the current application is generally in line with the Committee’s previous decisions. There was one similar application (which was primarily a vehicle repair workshop with ancillary parking of vehicles) rejected by the Committee on the grounds that there were potential adverse traffic impacts on the surrounding area, amongst other grounds. However, C for T has no adverse comment on the current application and significantly adverse traffic impact on the surrounding area is not envisaged.
- 11.5 There are four public comments objecting to/raising concerns 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 11.4 above are relevant.

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 5 years until 14.10.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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;
- (b) no light, medium or heavy goods vehicle, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.4.2023;
- (d) in relation to (c) above, the implementation of the 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 14.7.2023;

- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 14.4.2023;
- (g) in relation to (f) 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 14.7.2023;
- (h) if any of the above planning condition (a), (b) or (e) 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 (c), (d), (f) or (g) 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 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
Appendix II

Application Form with annex and plans received on 24.8.2022
Similar Applications

Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-4	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2022**