

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/604

- Applicant** : Mr. LIM Chin Pang represented by Mr. WONG Sun Wo William
- Site** : Lots 5155 (Part), 5157 (Part), 5161 (Part) and 5162 (Part) in D.D. 116, Shui Tsiu San Tsuen, Yuen Long, New Territories
- Site Area** : 1,655m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
- Zonings** : “Residential (Group D)” (“R(D)”) (about 75%); and
[restricted to a maximum plot ratio of 0.4 and a maximum building height (BH) of 3 storeys (9m)]

“Village Type Development” (“V”) (about 25%)
[restricted to a maximum BH of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for a period of five years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “V” and “R(D)” zones, ‘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, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track leading from Shui Tsiu San Tsuen Road to its west. According to the applicant, the public vehicle park is intended to serve the nearby villagers and residents. Only private cars will be allowed to enter/be parked at the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to park at the Site. No vehicle repairing, dismantling or workshop activities will be carried out at the Site. Plans showing the site layout and vehicular access, fire service installations (FSIs) proposal, run-in/out proposal and drainage proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in a previous application submitted by the same applicant for the same use as the current application. The previous application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 (details at paragraph 5 below).
- 1.4 Compared with the previous application, the current application proposes for similar development parameters and layout but a longer validity period. A comparison of the major development parameters between the last approved application and the current application are summarised as follows:

	Previous Application No. A/YL-TT/492 (a)	Current Application No. A/YL-TT/604 (b)	Difference (b-a)
Proposed/ Applied Use	Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	Temporary Public Vehicle Park for a Period of 5 Years	Longer validity period
Site Area	About 1,655 m ²		--
Total Floor Area (Non-domstic)	About 45 m ²		--
No. of Structures	2 for shroff and mobile toilet	1 for shroff	-1 (-50%)
Height of Structures	3.5-4.5m (1 storey)	4.5m (1 storey)	No change for the structure for shroff
No. of Parking Spaces	29 for private cars (5m x 2.5m each)		--
Operation Hours	24 hours daily		--

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 27.7.2023 **(Appendix I)**
 - (b) Supplementary Information received on 3.8.2023 **(Appendix Ia)**
 - (c) Further Information received on 11.9.2023 **(Appendix Ib)**
[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 **(Appendix I)**. They can be summarised as follows:

- (a) the Site is subject to a previously approved application for the same use; and
- (b) the applicant has fulfilled most of the approval conditions of the approved application but the deadline of submission of extension of time for compliance of approval conditions on the submission and implementation of run-in/out proposal

was missed and the planning permission is revoked. A fresh application is therefore submitted.

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 unauthorized development (UD) involving parking of vehicles. Enforcement Notice (EN) was issued on 12.7.2023 requiring discontinuation of the UD. The EN would expire on 20.9.2023 and if it is not complied with, prosecution may be taken.

5. Previous Application

The Site is involved in a previous application (No. A/YL-TT/492) submitted by the same applicant for the same use as the current application for a period of three years which was approved with conditions by the Committee in 2020 mainly on the considerations that the temporary proposal would not jeopardise the long-term planning intention and the proposed use was not incompatible with the surrounding uses. However, the planning permission was subsequently revoked on 18.8.2022 due to non-compliance with time-limited approval conditions regarding the submission and implementation of run-in/out proposal. Details of the application is summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

6. Similar Applications

There are three similar applications for temporary public vehicle park within the same “V” zone in the past five years. All three applications were approved by the Committee for a period of five 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. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

7. Planning Intentions

7.1 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.

- 7.2 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-4b)

- 8.1 The Site is:

- (a) accessible via a local track leading from Shui Tsiu San Tsuen Road to its west (**Plan A-2**); and
- (b) currently occupied by the applied use without valid planning permission (**Plans A-4a and A-4b**).

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

- (a) predominantly rural residential in nature intermixed with parking of vehicles, scattered open storage/storage yards, a hydroponic farm, a garden, a sewage pumping station, a shrine, ruin, vacant/ unused land;
- (b) there are residential dwellings in the vicinity with the nearest ones to its immediate south and east; and
- (c) except a vehicle park operating with valid planning permission (No. A/YL-TT/559), the other parking of vehicles and open storage/storage yards in the vicinity are suspected UD subject to planning enforcement action.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraphs 9.2 below, other 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.

- 9.2 The following government department has adverse comment on the application.

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has grave concerns given that there are unauthorised building works and/or uses on Lots 5155 and 5157 in D.D. 116 which are already subject to lease enforcement actions according to case priority. The lot owners should remedy the lease breaches as demanded by his department;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government; and
- (c) there is no Small House application approved or under processing at the “V” zone portion of the Site.

10. Public Comment Received During the Statutory Publication Period

On 4.8.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for a period of five years at the Site zoned “R(D)” (about 75%) and “V” (about 25%) on the OZP. Although the applied use is not entirely in line with the planning intentions of the “R(D)” and “V” zones, it may help serve the local villagers/residents and meet their car parking needs. Besides, DLO/YL, LandsD advised that there is no Small House application approved/under processing at the “V” zone portion of the Site. As there is Small House application or no known development programme concerning the Site, approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intentions of the “R(D)” and “V” zones.
- 11.2 The applied use is generally not incompatible with the surrounding uses, which is predominantly rural residential in nature intermixed with parking of vehicles and open storage/storage yards (**Plan A-2**).
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application. 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. Whilst DLO/YL, LandsD has grave concerns on the unauthorised building works/uses at the Site, it can be dealt with separately under the land administration regime.

- 11.4 The Site is subject to a previous application (No. A/YL-TT/492) for the same use as the current application which was approved with conditions for a period of three years by the Committee in 2020. However, the planning permission was revoked in 2022 due to non-compliance with time-limited approval conditions regarding submission and implementation of run-in/out proposal. Compared with the last application, the current application is submitted by the same applicant with similar layout and development parameters. The applicant has submitted implementation records of the run-in/out and the Chief Highway Engineer/New Territories West, Highways Department has no adverse comment on the application. 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 three similar applications within the subject “V” zone have been approved by the Committee in the past five years, approval of the current application is generally in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 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 five years until 22.9.2028. 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) only private car 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 implementation of the agreed 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 22.6.2024;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a revised 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 22.3.2024;
- (f) in relation to (e) 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 22.6.2024;

- (g) if any of the above planning condition (a), (b) or (d) 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
- (h) if any of the above planning condition (c), (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.

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 intentions of the "R(D)" and "V" zones which are primarily for improvement and upgrading of existing temporary structures into permanent buildings and for low-rise, low density residential development and development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 27.7.2023
Appendix Ia	Supplementary Information received on 3.8.2023
Appendix Ib	FI received on 11.9.2023
Appendix II	Previous Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access and Site Layout Plan
Drawing A-2	FSIs Plan
Drawing A-3	Run-in/out proposal

Drawing A-4	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**