

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/611

- Applicant** : Mr. CHING Kai Fun represented by R-riches Property Consultants Limited
- Site** : Lots 25 RP (Part), 27 and 35 RP (Part) in D.D. 117, Shui Tsiu San Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : 554m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Excluding Container Vehicle) 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” 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 and A-4**).
- 1.2 The Site is accessible via a local track leading from Tai Tong Road to its northeast. According to the applicant, the public vehicle park is intended to serve the nearby residents. Only private cars and light goods vehicles (LGVs) are allowed to enter/be parked at the Site. No vehicles without valid licences issued under the Road Traffic Ordinance are allowed to park at the Site. Plans showing the vehicular access and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters summarised as follows:

Site Area	About 554 m ²
No. of Structures	Nil

No. of Parking Spaces	10 for private cars (5m x 2.5m each) 2 for LGVs (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 attachments received on 23.8.2023 (**Appendix I**)
- (b) Further Information (FI) received on 4.10.2023 (**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 applied use would serve the nearby residents. The temporary nature of the proposal would not frustrate the long-term planning intention of the “V” zone;
- (b) the applied use is not incompatible with the surrounding land uses;
- (c) as there is Small House application under processing at the Site, the applicant will surrender the Site upon landowner’s request even during the planning approval; and
- (d) no significant adverse traffic and environmental impacts will be caused.

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 any planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. **Similar Applications**

There has been five similar applications for temporary public vehicle park within/straddling the subject “V” zone since 2020. All five applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three or 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 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 via a local track leading from Tai Tong Road to its northeast (**Plan A-2**); and
- (b) 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) predominantly rural residential in nature intermixed with parking of vehicles, a refuse collection point, agricultural land and vacant/ unused land;
- (b) the village cluster of Shui Tsiu San Tsuen is located to its east with the nearest village houses located to its immediate south and east; and
- (c) except two vehicle parks operating with valid planning permissions (No. A/YL-TT/559 and 569), the other parking of vehicles in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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 Comment Received During the Statutory Publication Period

On 1.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the applied use would lead to tree removal and the need for additional parking spaces is doubtful (**Appendix V**).

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 “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could help serve the local villagers and meet their car parking needs. According to the District Lands Officer/Yuen Long, Lands Department, there is currently one Small House application under processing at Lot 27 within the Site. In this regard, the applicant has committed to surrender the Site for Small House development upon landowner’s request. Thus, approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The applied use is generally not incompatible with the surrounding uses, which are predominantly rural residential in nature intermixed with parking of vehicles and unused land (**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.
- 11.4 Given that five similar applications within/straddling the subject “V” zone have been approved by the Committee since 2020, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There is one public comment received on the application during the statutory publication period objecting to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the concern on tree removal, it is noted that there is no tree within the Site.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 five years until 13.10.2028. 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 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;
- (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 13.4.2024;
- (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 13.7.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the Site 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 13.4.2024;
- (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 13.7.2024;
- (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 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 attachments received on 23.8.2023
Appendix Ia	FI received on 4.10.2023
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
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 2023**