

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/612**

- Applicant** : CHING Mei Sung represented by R-riches Property Consultants Limited
- Site** : Lots 49 (Part), 417 (Part), 418, 419, 420 (Part) and 431 (Part) in D.D. 117, Shui Tsiu San Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : 3,274m<sup>2</sup> (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 (excluding container vehicle) 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). Majority of the Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TT/488 (**Plans A-2 and A-4**).
- 1.2 The Site is abutting Shui Tsiu San Tsuen Road to its west. According to the applicant, the public vehicle park is intended to serve the nearby residents. No medium or heavy goods vehicles are allowed to enter/be parked at the Site. Plans showing the vehicular access and site layout, drainage 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 involved in a previous application (No. A/YL-TT/488) submitted by the same applicant for the same use as the current application, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 3.1.2020 (details at paragraph 5 below). Compared with the approved previous

application, the current application is of a larger site area with different layout and development parameters, which are summarised as follows:

	<b>Previously Approved Application No. A/YL-TT/488 (a)</b>	<b>Current Application No. A/YL-TT/612 (b)</b>	<b>Difference (b) – (a)</b>
<b>Applied Use</b>	Temporary Public Vehicle Park (excluding container vehicle) for a Period of 5 Years		---
<b>Site Area</b>	About 2,965 m <sup>2</sup>	About 3,274 m <sup>2</sup>	+ 309m <sup>2</sup> (+10.4%)
<b>Total Floor Area</b>	About 306.3 m <sup>2</sup>	About 323 m <sup>2</sup>	+16.7m <sup>2</sup> (+5.5%)
<b>No. of Structures</b>	8 for canopies, site office and storage	9 for canopies, guardroom, site office and storage	+1 (+12.5%)
<b>Height of Structures</b>	2.8-3.5m (1 storey)		---
<b>No. of Parking Space(s)</b>	47 for private cars	60 for private cars (5m x 2.5m each) 4 for light goods vehicles (LGVs) (7m x 3.5m)	+17 (+36.2% and include LGVs)
<b>Operation Hours</b>	24-hours daily		

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

- (a) Application Form with attachments received on 29.8.2023 (**Appendix I**)
  - (b) Supplementary Information received on 7.9.2023 (**Appendix Ia**)
  - (c) Further Information (FI) received on 18.10.2023 (**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 applied use would serve the nearby residents and minimise illegal on-street parking along Shui Tsiu San Tsuen Road;
- (b) the applied use is not incompatible with the surrounding area;
- (c) similar applications were approved by the Committee within the same “V” zone;
- (d) the Site is subject to a previous approval (No. A/YL-TT/488). While efforts were made to comply with the approval conditions, the applicant had encountered difficulties in identifying suitable contractors such that the accepted run-in/out and

drainage proposals were not yet implemented. The applicant has submitted relevant proposals in support of the current application; and

- (e) 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**

Majority of the Site is involved in a previous application (No. A/YL-TT/488) submitted by the same applicant for the same use as the current application for a period of five years which was approved with conditions by the Committee in 2020, mainly on the considerations that the proposal could help meet the local parking demand; approval of the application on a temporary basis would not frustrate the long-term planning intention; and the development was not incompatible with the residential character of the area. The time-limited approval conditions on the implementation of run-in/out and drainage proposals are yet to be complied with and the permission is valid until 3.1.2025. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

### **6. Similar Applications**

There are five similar applications for temporary public vehicle park within/straddling the subject “V” zone since 2020. All five applications were approved by the Committee for a period of three or five years mainly on similar considerations in paragraph 5 above. 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) abutting Shui Tsiu San Tsuen Road to its west (**Plan A-2**); and
- (b) occupied by the applied use with valid planning permission under application No. A/YL-TT/488 (**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, storage yards and unused land to the northeast across Shui Tsiu San Tsuen Road;
- (b) the village cluster of Shui Tsiu San Tsuen is located to its east; and
- (c) the parking of vehicles and storage yards 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 8.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received providing views that given it is not clear whether the approval conditions of the previous application have been complied with, the current application with a larger operation should be carefully considered (**Appendix V**).

## **11. Planning Considerations and Assessments**

11.1 The application is for temporary public vehicle park (excluding container vehicle) 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 no Small House application approved or under processing at the Site. As such, 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, storage yards 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 Majority of the Site is involved in a previous application for the same use as the current application approved by the Committee in 2020 and the permission is valid until 3.1.2020. Also, there are five similar applications within/straddling the subject “V” zone approved by the Committee since 2020. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment providing views on the application 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 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 27.10.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no medium or heavy 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;
- (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 submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 27.4.2024;
- (d) in relation to (c) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 27.7.2024;

- (e) 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 27.1.2024;
- (f) in relation to (e) above, the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 27.7.2024;
- (h) if any of the above planning condition (a), (b) or (f) 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), (e) 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**  
**Appendix Ia**

Application Form with attachments received on 29.8.2023  
Supplementary Information received on 7.9.2023

<b>Appendix Ib</b>	FI received on 18.10.2023
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**