

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/623

- Applicant** : Mr. CHEUNG Kwok Wing
- Site** : Lots 5144 S.A and 5144 RP in D.D. 116 and Lots 13 S.B, 13 S.C, 13 S.D, 13 S.E, 13 S.F and 13 S.G in D.D. 117, Shui Tsiu San Tsuen, Tai Tong Road, Yuen Long
- Site Area** : 815m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong (TT) Outline Zoning Plan (OZP) No. S/YL-TT/20 (currently in force)
- Draft TT OZP No. S/YL-TT/19 (at the time of submission)
[No change to the zoning of the application site (the Site) on the OZP]
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars) for a period of three years at 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 formed and largely vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Shui Tsiu San Tsuen Road (**Plan A-3**). According to the applicant, the public vehicle park will provide 19 parking spaces to serve the nearby residents and the general public. No medium or heavy goods vehicles are allowed to enter/be parked at the Site. Site layout plans submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.3 The major development parameters are summarised as follows:

Site Area	About 815m ²
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Total Floor Area	65m ²
No. of Structure	1 rainshelter for private cars
Height of Structures	2.3m
No. of Parking Space(s)	19 (for private cars)
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 10.11.2023 (**Appendix I**)
- (b) Further Information (FI) received on 14.12.2023 (**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 (**Appendix I**). They can be summarised as follows:

- (a) the proposed use will serve the nearby residents and the general public; and
- (b) no adverse drainage and environmental impacts will be caused.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is one of the “current land owners” and 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. 31B) by obtaining owners’ consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is the subject of a planning enforcement case (No. E/YL-TT/689) against an unauthorized development (UD) involving a larger site for parking of vehicles (**Plan A-2**). An Enforcement Notice was issued on 14.6.2023. Subsequent site inspections revealed that the UD has been discontinued. The Compliance Notice was issued on 1.12.2023.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

6.1 There have been seven similar applications for temporary public vehicle park within/straddling the subject “V” zone since 2020. All six applications were

approved by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three or five years 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**.

- 6.2 For Members' information, planning application No. A/YL-TT/622 (for proposed temporary public vehicle park (private cars) for a period of three years) within the same "V" zone will also be considered at this meeting (**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 Shui Tsiu San Tsuen Road (**Plan A-2**); and
- (b) formed and largely vacant (**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, open storage/storage yards and unused land;
- (b) the village cluster of Shui Tsiu San Tsuen is located to its southwest; and
- (c) except for two parking of vehicles operating with valid planning permissions (No. A/YL-TT/569 and 604), the other parking of vehicles and open storage/storage yards in the vicinity are suspected UDs 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 Comments Received During the Statutory Publication Period

On 17.11.2023, the application was published for public inspection. During the statutory public inspection period, three public comments from individuals were received providing adverse comments/views on the application mainly on the grounds that the proposed use would bring adverse environmental impacts and cause nuisance and road safety issue to the residents nearby (**Appendices V-1 and V-2**); and questioning the number of parking facilities in the area and whether stacked parking would be considered to better utilise land resources (**Appendix V-3**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private car) for a period of three 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, 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 three 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 are predominantly rural residential in nature intermixed with parking of vehicles, open storage/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 from traffic, environmental, fire safety and drainage aspects. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 11.4 There have been seven 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 comments providing adverse comments/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 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 three years until 22.12.2026. 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 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 22.6.2024;
- (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 22.9.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all time 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 22.6.2024;
- (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 22.9.2024;
- (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 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	Application Form with attachments received on 10.11.2023
Appendix Ia	FI received on 14.12.2023
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-3	Public Comments
Drawings A-1 to A-2	Site Layout Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**