

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/673

- 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** : 3,274 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- 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). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is abutting Shui Tsiu San Tsuen Road to its west (**Drawing A-1 and Plan A-2**). According to the applicant, the public vehicle park would provide a total of 64 parking spaces, including 60 spaces for private cars and four spaces for light goods vehicles. Nine single-storey structures, with a total floor area of 323 m², are also provided for canopies, site office, storage and guard room uses. No medium or heavy goods vehicles are allowed to enter/be parked at the Site. Plans showing the site layout, vehicular access, swept path analysis, run-in/out, drainage and fire service installations (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-6** respectively.

1.3 The Site was involved in two previous applications (No. A/YL-TT/488 and 612) submitted by the same applicant for the same use as the current application, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 and 2023 respectively (details at paragraph 5 below). The layout and development parameters of the current application are the same as the last approved previous application No. A/YL-TT/612.

1.4 The major development parameters of the application are summarised as follows:

Applied Use	Temporary Public Vehicle Park (Excluding Container Vehicle)
Site Area	About 3,274 m ²
Total Floor Area	About 323 m ²
No. of Structure(s)	9 for canopies, guardroom, site office and storage
Height of Structure(s)	1-storey (2.8-3.5m)
No. of Parking Space	60 for private cars (5m x 2.5m each) 4 for light goods vehicles (LGVs) (7m x 3.5m)
Operation Hours	24-hours daily

1.5 In support of the application, the applicant has submitted an Application Form with attachments received on 14.8.2024 (**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 with attachments at **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 two previous applications (No. A/YL-TT/488 and 612). While efforts were made to comply with the approval conditions, the applicant did not have sufficient time to comply with the conditions such that the run-in/out, drainage and FSIs 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. 31B) 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 planning enforcement action.

5. Previous Applications

The Site, in whole or in part, was the subject of two previously approved applications (No. A/YL-TT/488 and 612) 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 and 2023 respectively, 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. However, the two planning permissions were subsequently revoked due to the non-compliance with time-limited approval condition on the implementation of the run-in/out and drainage proposals. Details of the applications are at **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

6. Similar Applications

There are six similar applications (No. A/YL-TT/559, 569, 604, 611, 622 and 623) for temporary public vehicle park for a period of three/five years within/straddling the same “V” zone on the OZP in the past five years, which were approved with conditions by the Committee between 2022 and 2023 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-1a**.

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; and
- (b) occupied by the applied use without valid planning permission

8.2 The surrounding areas are predominantly rural in character comprising temporary structures/residential dwellings, open storage/storage yards and parking of vehicles. Vehicle parks and open storage/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 Comments Received During the Statutory Publication Period

On 23.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. The Chairman of Yuen Long Town Centre and Rural East Area Committee has no comment on the application while one individual objects to the application on the grounds that the approval conditions of the previous applications have not been complied with (**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 car parking needs of the local villagers and nearby residents. 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 not incompatible with the surrounding areas which are predominantly rural in character comprising temporary structures/residential dwellings, open storage/storage yards and parking of vehicles (**Plan A-2**).

11.3 Concerned government departments consulted, including the Commissioner for Transport (C for T), Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2

below to address the technical requirements of the concerned government departments.

- 11.4 The Site is the subject of two previous applications (No. A/YL-TT/488 and 612) for temporary public vehicle park (excluding container vehicle) which were approved by the Committee in 2020 and 2023 respectively. However, both planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions on implementation of run-in/out and drainage proposals. The applicant clarified that efforts had been made to implement the run-in/out and drainage proposals, e.g. application for excavation permit and submission of photographic records of the drainage facilities of the Site, but the applicant did not have insufficient time to complete the construction work/compliance procedures. The applicant has submitted run-in/out and drainage proposals for the current application to which C for T and CE/MN, DSD have no in-principle objection and considered that the submitted run-in/out and drainage proposals are acceptable. In this regard, sympathetic consideration may be given to the application. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further application.
- 11.5 There are six similar applications within/straddling the subject “V” zone approved by the Committee since 2020. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 There are two public comments 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 11.5 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 five years until 4.10.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 4.7.2025;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 4.7.2025;

- (d) if the above planning condition (b) 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
- (e) if any of the above planning condition (a) or (c) 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 "Village Type Development" 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 attachment received on 14.8.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Swept Path Analysis
Drawing A-4	Run-in/out Proposal
Drawing A-5	Drainage Proposal
Drawing A-6	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan

Plan A-3 Aerial Photo
Plans A-4a to A-4b Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**