

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1139

- Applicant** : Miss KWOK Kai Man
- Site** : Lots 415, 420, 421 and 422 RP in D.D. 121, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : 2,650 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group B)1” (“R(B)1”) (about 54.5%)
[restricted to maximum plot ratio of 1, maximum site coverage of 40% and maximum building height (BH) of 4 storeys over single-storey carpark (15m)]

“Comprehensive Development Area” (“CDA”) (about 45.5%)
[restricted to maximum gross floor area of 69,000m² (for the whole “CDA” zone) and maximum BH of 17 storeys]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary public vehicle park (excluding container vehicle) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for “R(B)” and “CDA” 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 with valid planning permission under application No. A/YL-TYST/934 (**Plans A-2 to A-4b**).
- 1.2 The Site involves three previous applications for various temporary uses (**Plan A-1**). The last application (No. A/YL-TYST/934) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 8.3.2019. All the time-limited approval conditions had been complied with and the planning permission is valid until 8.3.2022. Compared with the last application, the current

application is submitted by the same applicant for the same use at the same site with similar site layout and different development parameters.

- 1.3 According to the applicant, the applied use is intended to serve the nearby villagers and residents. Plans showing the site layout with fire service installations (FSIs) proposal and proposed drainage facilities submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.4 The major development parameters of the current application and the previously approved application No. A/YL-TYST/934 are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/934 (a)	Current Application No. A/YL-TYST/1139 (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years		---
Site Area	About 2,650 m ²		---
Total Floor Area (Non-domestic)	About 328.8 m ²	About 68.16 m ²	- 260.64 m ² (-79.3%)
No. and Height of Structures	3 - for site office, store room and rain shelter (2.6-5.5m, 1 storey)	4 - for site offices, store room and rain shelter (2.6-2.8m, 1 storey)	+ 1 (+33.3%)
No. of Parking Spaces	30 (for private cars/light goods vehicles)		---
Operation Hours	24 hours daily		---

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (Appendix I) 16.12.2021
 - (b) Further Information (FI) received on 30.12.2021 (Appendix Ia)
 - (c) FI received on 14.1.2022 (Appendix Ib)
 - (d) FI received on 20.1.2022 (Appendix Ic)
- [(b) to (d) 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:

the applied use is the same as the last application (No. A/YL-TYST/934). Continuation of the applied use could meet the acute demand for parking spaces in the area, reduce roadside parking of vehicles and help maintain smooth traffic flow on nearby roads.

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 Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

6.1 The Site involves three previous applications for various temporary uses (No. A/YL-TYST/548, 623 and 934). The former two applications were for proposed temporary site office and temporary open storage of construction materials respectively, which are not relevant to the current application. Details of all three previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

6.2 Application No. A/YL-TYST/934 for the same use as the current application was approved with conditions for a period of three years by the Committee on 8.3.2019, mainly on the considerations that the proposed development was considered not incompatible with the surrounding land uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. All the time-limited approval conditions had been complied with and the planning permission is valid until 8.3.2022. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with similar site layout and different development parameters.

7. Similar Applications

7.1 Seven similar applications for various temporary vehicle parking uses within the same “R(B)1” zone had been considered by the Committee. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

7.2 Applications No. A/YL-TYST/58 and 114 were approved with conditions by the Committee for a period of 1 or 3 year(s) respectively in 1999 and 2000 mainly on

similar considerations that approval of the applications on a temporary basis would not jeopardise the long-term development of the area and the concerns of relevant departments could be addressed by imposing approval conditions.

- 7.3 Applications No. A/YL-TYST/52, 106, 175, 251 and 523 were rejected by the Committee between 1998 and 2011 mainly on the grounds that the proposed parking of vehicles (including heavy vehicles for the former four applications) would generate adverse traffic and/or environmental impacts on the surrounding area, amongst other technical considerations.

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 off Fui Sha Wai South Road to the northeast, which connects to Castle Peak Road – Hung Shui Kiu Section to the further north of the Site (**Plan A-3**);
- (b) formed and fenced off; and
- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/934 (**Plans A-4a and A-4b**).

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

- (a) comprise predominately low to medium-rise residential structures/developments, with scattered vacant land, open storage yards, a workshop and an orchard;
- (b) two residential developments (namely Uptown and The Woodsville) adjoins the Site to its north and southwest respectively; and
- (c) the open storage yards and workshop in the vicinity are suspected unauthorised developments (UDs) subject to planning enforcement action by the Planning Authority.

9. Planning Intentions

- 9.1 The planning intention of the “R(B)” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 9.2 The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

10. Comments from Relevant Government Departments

- 10.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

Land Administration

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

- (a) 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 the prior approval of the Government.
- (b) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

Traffic

- 10.1.2 Comments of the Commissioner for Transport (C for T):

He has no adverse comment on the application. The applicant should note the detailed comments at **Appendix VI**.

- 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

The applicant should note the detailed comments at **Appendix VI**.

Environment

- 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) No substantiated environmental complaints pertaining the Site have been received in the past three years.
- (b) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) According to the applicant's submission, the applicant would maintain the same drainage facilities as those implemented under the previous planning application No. A/YL-TYST/934.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/934 and the submission of condition records of the existing drainage facilities to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

10.1.6 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Building Matters

10.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The applicant should note the detailed comments at **Appendix VI**.

Water Supply

10.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) However, existing water mains (**Plan A-2**) will be affected. The applicant should be reminded of the detailed comments at **Appendix VI**.

District Officer's Comments

10.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any comment from the locals.

10.2 The following government departments have no comment on the application:

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

On 24.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objects to the application on the grounds that the applied use will generate adverse traffic, environmental and fire safety impacts on the surrounding area, thereby affecting the safety and living quality of nearby residents (**Appendix V-1**). Another individual opines that the continuation of the applied use at the Site would be a waste of land resources, that the subject “CDA” zone should be reviewed, and suggests that the Site could be used for transitional housing development (**Appendix V-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years at a site zoned “R(B)1” (about 54.5%) and “CDA” (about 45.5%) on the OZP. The planning intentions of the “R(B)” and “CDA” zones are primarily for sub-urban medium-density residential developments and comprehensive development/redevelopment of the area respectively. The Site is a piece of residual land that was not acquired for the development of the existing comprehensive residential development (Uptown) covering the majority of the subject “CDA” zone and is not covered by the Master Layout Plan of the said development. Although the applied use is not entirely in line with the planning intentions of the “R(B)” and “CDA” zones, there is currently no known programme for long-term development on the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 12.2 Although there are various residential developments/structures in the vicinity of the Site (**Plan A-2**), the applied use is small in scale and for parking of private cars and light goods vehicles. It is considered not entirely incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there is no major change in planning circumstances of the Site and adjoining area since the last approval; approval of the application would not pre-empt the long-term development of the Site; all the time-limited approval conditions under the last application No. A/YL-TYST/934 had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 There is no adverse comment on the application from concerned government departments, including C for T, DEP, D of FS and CE/MN, DSD. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding area are not

envisaged. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the latest Code of Practice in order to minimise any potential environmental impact on the surrounding areas.

- 12.5 Given that one previous approval for the same use had been granted to the Site and two similar applications have been approved within the subject “R(B)1” zone, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 There are two public comments objecting to/expressing views on the application as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments summarised in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 3 years and be renewed from 9.3.2022 to 8.3.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) only private cars 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;
- (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 existing boundary fence on the Site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.6.2022;

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

[Approval conditions (a) and (b) are the same as those under the permission for application No. A/YL-TYST/934, conditions (c) to (f) have been updated as per the current application, restriction on certain on-site activities has been removed as per the department's latest requirements, while restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

- 13.3 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(B)" and "CDA" zones which are for sub-urban medium-density residential developments in rural areas and comprehensive development/ redevelopment of the area respectively. No strong planning justification had been given in the submission to justify a departure from the planning intentions, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 16.12.2021
Appendix Ia	FI received on 30.12.2021
Appendix Ib	FI received on 14.1.2022
Appendix Ic	FI received on 20.1.2022
Appendix II	Relevant Extracts of TPB PG-No. 34D

Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the Subject “R(B)1” Zone on the OZP
Appendices V-1 and V-2	Public Comments received during the Statutory Publication Period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan with FSIs Proposal
Drawing A-2	As-built Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**