

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1161

- Applicant** : Hung Sing Comprehensive Development Management Co. Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 2461 (Part), 2462 RP (Part) and 2464 RP in D.D. 120 and Adjoining Government Land (GL), Lam Hau Tsuen, Yuen Long, New Territories
- Site Area** : 4,300 m² (about) (including GL of about 17 m² or 0.4%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (LGVs) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private cars and LGVs for a period of 3 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 with valid planning permission under application No. A/YL-TYST/1018 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local road leading from Lam Hi Road to its northeast. According to the applicant, the applied use is intended to serve the villagers of Lam Hau Tsuen. No medium or heavy goods vehicles, including container tractors/trailers, and no vehicles without valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site. Plans showing the site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is the subject of two previous applications (No. A/YL-TYST/901 and 1018) (details at paragraph 5 below).
- 1.4 The major development parameters of the current application and the previously approved application No. A/YL-TYST/1018 are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1018 (a)	Current Application No. A/YL-TYST/1161 (b)	Difference (b) – (a)
Applied/Proposed Use	Temporary Public Vehicle Park for Private Cars and LGVs for a Period of 3 Years		---
Site Area	About 4,300 m ²		---
Total Floor Area (Non-domestic)	50 m ² (about)	124 m ² (about)	+74 (+148%)
No. and Height of Structures	1 • for site office, meter room and toilet (3m, 1 storey)	2 • for site office, meter room and toilet (3-6m, 1-2 storeys)	+1 (+100%)
No. of Loading/Unloading Space	Nil		---
No. of Parking Spaces	82 • (for private cars) (5m x 2.5m each) 16 • (for LGVs) (7m x 3.5m each)		---
Operation Hours	24 hours daily		---

- 1.5 In support of the application, the applicant has submitted an Application Form with annex and plans received on 1.6.2022 (**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 (**Appendix I**). They can be summarised as follows:

- (a) The Site is the subject of a previous planning permission for the same use and all approval conditions imposed to the previous application (No. A/YL-TYST/1018) had been complied with. The current application is submitted as there are changes in floor area and number of structures.
- (b) The applied use can meet the local demand for parking spaces, it is in line with the planning intention of the “V” zone and is compatible with the surrounding environment.
- (c) Due to the location of the Site, the applied use would only serve the residents of Lam Hau Tsuen. The residents of the nearby village, i.e. Shan Ha Tsuen, are served by a number of approved public vehicle parks.
- (d) There will be minimal traffic, environmental and drainage impacts arising from the proposal.

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. For GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Applications**

5.1 The Site involves two approved previous applications for various temporary uses covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

5.2 Application No. A/YL-TYST/901 was for proposed temporary place of recreation, sports or culture (hobby farm) and not relevant to the current application. Application No. A/YL-TYST/1018 for the same use as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period 3 years in 2020, mainly on the considerations that the proposal was not incompatible with the surrounding 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 18.9.2023.

5.3 Compared with the last application, the current application is submitted by a different applicant for the same use at the same site with slightly different site layout and development parameters.

6. **Similar Applications**

There are eight similar applications for various public vehicle park uses within the subject “V” zone considered by the Committee between 2000 and 2020. All eight applications were approved mainly on similar considerations as paragraph 5.2 above. However, the planning permissions for three of them were subsequently revoked due to non-compliance with approval conditions. 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 this zone is

primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site is:

- (a) accessible from Lam Hi Road to its northeast via a local road (**Plan A-2**); and
- (b) paved and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1018 (**Plans A-4a and A-4b**).

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

- (a) comprise predominately village houses with scattered open storage/storage yards, car park, basketball court, sitting-out area, plant nursery, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest ones located about 5m to its south across a local road, while the main cluster of village houses of Lam Hau Tsuen is located to its further west (**Plan A-3**);
- (c) to its further north across the Yuen Long Highway is an area zoned “Open Space” on the approved Yuen Long OZP No. S/YL/25; and
- (d) the car park and open storage/storage yards in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

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 the public comments received 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 10.6.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from the village representatives of Lam Hau Tsuen and an individual. The village representatives of Lam Hau Tsuen support the application without stating any particular grounds (**Appendix V-1**). One individual objects to the application on the grounds that the applied use will generate adverse environmental, traffic and fire safety impacts on the surrounding area (**Appendix V-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private cars and LGVs 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, which is primarily for development of Small Houses by indigenous villagers, the proposal can provide parking spaces to meet any such demand in the area. According to District Lands Officer/Yuen Long, Lands Department, there is currently no Small House application approved/under processing at the Site. Whilst a narrow strip of the Site falls within the Revised Recommended Outline Development Plan of Yuen Long South (YLS) under YLS Development Stage 2 Phase 2, the Project Manager (West), Civil Engineering and Development Department has no objection to the application. 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 and would not jeopardise the long-term development of the area.
- 11.2 The applied use is generally not incompatible with the surrounding uses, which comprises predominantly low-rise village houses (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. 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 minimise any potential environmental nuisance and to address the technical requirements of 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. 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”.
- 11.4 Given that one previous approval for the same use has been granted to the Site and eight similar applications within the subject “V” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There are two public comments supporting/objecting to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above 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 3 years until 29.7.2025.

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) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 29.10.2022;
- (e) 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 29.1.2023;
- (f) in relation to (e) 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 29.4.2023;
- (g) if any of the above planning condition (a), (b) or (c) 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 any of the above planning condition (d), (e) or (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.

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 intended primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify 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 annex and plans received on 1.6.2022
- Appendix II** Previous and Similar Applications
- Appendix III** Government Departments' General Comments
- Appendix IV** Recommended Advisory Clauses
- Appendices V-1 and V-2** Public Comments
- Drawing A-1** Site Layout Plan
- Drawing A-2** As-built Drainage Plan
- Plan A-1** Location Plan
- Plan A-2** Site Plan
- Plan A-3** Aerial Photo
- Plans A-4a and A-4b** Site Photos

**PLANNING DEPARTMENT
JULY 2022**