

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1196

- Applicant** : Mr. TANG Chi Hok represented by Metro Planning & Development Company Limited
- Site** : Lot 249 RP (Part) in D.D. 121, Tai Tao Tsuen, Yuen Long, New Territories
- Site Area** : 942.8 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
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height (BH) 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 application site (the Site) (**Plan A-1**). According to the Notes for the “V” zone on the OZP, ‘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 vacant and partly covered by vegetation (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the Site is accessible from a proposed vehicular access leading to Castle Peak Road – Ping Shan (**Drawings A-1 and A-2 and Plan A-2**). The proposed development will provide 34 private car parking spaces, with an one-storey structure (not exceeding 3m) for site office and toilet. Only private cars will be allowed to enter/park at the Site. No vehicle without valid licences issued under Road Traffic Ordinance is permitted to park at the Site. The operation hours are from 7:00 a.m. to 11:00 p.m. daily, including public holidays. The proposed vehicular access plans, layout plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

- (a) Application Form with attachments received on 14.12.2022 (Appendix I)
- (b) Further Information (FI) received on 19.1.2023* (Appendix Ia)
** accepted and exempted from publication 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 is a Column 2 use in the “V” zone. It is in line with the planning intention of the “V” zone and is compatible with the surrounding environment;
- (b) the proposed public vehicle park would serve only the villagers of Tai Tao Tsuen area and would meet the parking demand. As no public vehicle park has been approved by the Board in Tai Tao Tsuen area, the illegal parking of vehicles may be subject to planning enforcement action; and
- (c) there will be minimal traffic, environmental and drainage impacts arising from the proposed public vehicle park.

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. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous planning application concerning the Site.

6. Similar Application

There is no similar application within the same “V” zone on the OZP in the past five years.

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 infrastructure 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-4b)

8.1 The Site is:

- (a) accessible from a proposed vehicular access leading to Castle Peak Road – Ping Shan (**Plans A-2 and A-3**); and
- (b) currently vacant and partly covered by vegetation (**Plans A-4a and A-4b**).

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

- (a) comprise predominantly agricultural land with residential clusters/structures, plant nurseries, ponds, storage yards, grave, gardening, unused land and vacant land/structures;
- (b) there are established residential clusters (namely Le Regent and Fu Kwai Garden) and residential structures in the vicinity of the Site with the nearest one located to its immediate northwest (**Plans A-2 and A-3**); and
- (c) the storage yards in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from government department as set out in paragraph 9.2 below, other 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 II and III** respectively.

9.2 The following government department supports the application:

Traffic

9.2.1 Comments of the Commissioner for Transport (C for T):

- (a) she supports the application from traffic engineering perspective to meet public demand for car parking spaces; and

- (b) the applicant should note her advisory comments in **Appendix III**.

10. Public Comments Received During the Statutory Publication Period

On 23.12.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments were received from the Ping Shan Rural Committee and two individuals. The Ping Shan Rural Committee supports the application (**Appendix IV-1**). Two individual objects to the application on the grounds that the proposed use will result in degradation of the local environment and adverse traffic, environmental and fire safety impacts, and the proposed development is not close to village settlements (**Appendices IV-2 and IV-3**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private cars) for a period of three years at the Site zoned “V” on the OZP, which is primarily for development of Small Houses by indigenous villagers. Whilst the proposed development is not entirely in line with the planning intention of the “V” zone, the development could provide private car parking spaces to the nearby residents to serve any such demand in the area. In this regard, C for T supports the application from traffic engineering point of view. According to District Lands Officer/Yuen Long, there is currently no Small House application approved/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 and would not jeopardise the long-term development of the area.
- 11.2 The surrounding areas comprise predominantly agricultural land with residential clusters/structures, plant nurseries, storage yards and other rural uses (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 Other concerned government departments, including 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 environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There has been no environmental complaint concerning the Site received in the past three years. Furthermore, 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”.
- 11.4 There are three public comments supporting/objecting to the application received during the statutory public inspection period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 three years until 3.2.2026. 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) only private cars 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;
- (c) the submission of a revised 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 3.8.2023;
- (d) in relation to (c) above, the implementation of the revised 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 3.11.2023;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times 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 3.8.2023;
- (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 3.11.2023;
- (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 conditions (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 III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of "V" zone which 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. 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 14.12.2022
Appendix Ia	FI received on 19.1.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendices IV-1 to IV-3	Public Comments
Drawings A-1 and A-2	Proposed Vehicular Access Plans
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed 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
FEBRUARY 2023**