

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1225**

- 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** : 2,365 m<sup>2</sup> (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 and A-4**).
- 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 use will provide 55 private car parking spaces, with three one-storey structures (not exceeding 3m) for site office, electricity meter room 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 8.6.2023 (Appendix I)
- (b) Further Information (FI) received on 18.9.2023 (Appendix Ia)  
*[accepted and exempted from publication requirements]*

1.4 On 28.7.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

## **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:

- (a) the proposed use is a Column 2 use in the “V” zone. Similar application has been approved by the Board in the subject “V” zone. The proposed use is in line with the planning intention of the “V” zone and is compatible with the surrounding environment;
- (b) the demand for parking spaces is acute in the Tai Tao Tsuen and Fui Sha Wai areas. The proposed public vehicle park would serve only the villagers of Tai Tao Tsuen and Fui Sha Wai; 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 a similar application (No. A/YL-TYST/1196) for the same use within the same “V” zone on the OZP which was approved with conditions for a period of three years by the Committee on 3.2.2023, mainly on the considerations that the proposal was not incompatible with the surrounding uses; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the application are summarised in **Appendix II** and its location is 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 (SH) 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-4)

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-2 to A-4**).

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

- (a) comprise predominantly agricultural land with residential clusters/structures, car beauty, car servicing, open storage/storage yards, a warehouse, parking of vehicles, gas station, plant nurseries, ponds, 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 north (**Plans A-2 and A-3**); and
- (c) except for a vehicle park with valid planning permission (No. A/YL-TYST/1196), the remaining car beauty, car servicing, open storage/storage yards and warehouse 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 Comment Received During the Statutory Publication Period**

On 16.6.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds that a similar planning application (No. A/YL-TYST/1196) adjacent to the Site has already been approved to meet the parking demand of the villagers and the proposed use will result in degradation of the local environment (**Appendix V**).

## **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. 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. According to District Lands Officer/Yuen Long, there is currently no SH 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.

11.2 The surrounding areas comprise predominantly agricultural land with residential clusters/structures, plant nurseries, open storage/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 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. 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 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 any potential environmental impact on the surrounding areas.

11.4 There is no previous application covering the Site. Given that a similar application within the subject “V” zone has been approved in 2023, approval of

the current application is generally in line with the previous decision of the Committee.

- 11.5 There is one public comment 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 11.4 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 comment 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 10.11.2026. 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 10.5.2024;
- (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 10.8.2024;
- (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 10.5.2024;
- (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 10.8.2024;

- (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 Members' reference:

the proposed 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**

<b>Appendix I</b>	Application Form with attachments received on 8.6.2023
<b>Appendix Ia</b>	FI received on 18.9.2023
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawings A-1 and A-2</b>	Proposed Vehicular Access Plans
<b>Drawing A-3</b>	Proposed Layout Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan with Similar Application
<b>Plan A-2</b>	Site Plan

**Plan A-3**

Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2023**