

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

APPLICATION NO. A/YL-TYST/1228

<u>Applicant</u>	:	Mr. CHEUNG Wing Chung represented by Metro Planning and Development Company Limited
<u>Site</u>	:	Lots 1567 RP (Part), 1568 (Part) and 1570 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long, New Territories
<u>Site Area</u>	:	3,410 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle and Shop and Services (Real Estate Agency) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park for private car and light goods vehicle (LGV) and shop and services (real estate agency) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Public Vehicle Park’ and ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) are Column 2 uses which require 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/1043 until 22.9.2023 (**Plans A-1, A-2 and A-4**).
- 1.2 The Site is accessible from Shan Ha Road via a local track to its northwest (**Plans A-2 and A-3**). According to the applicant, the applied use is for a real estate agency and a public vehicle park mainly to serve the needs of residents in nearby Shan Ha Tsuen. There will be a total of 46 parking spaces for private cars/LGVs. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, and vehicles without valid licences issued under the Road Traffic

Ordinance will be allowed to access/park at the Site. Plans showing the vehicular access leading to the Site, site layout, proposed drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of three previous applications (No. A/YL-TYST/694, 855 and 1043) for temporary public vehicle park with/without shop and services (real estate agency) use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2020 (details at paragraph 6 below). Compared with the last application (No. A/YL-TYST/1043), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	About 3,410 m ²
Total Floor Area (Non-domestic)	Not more than 160 m ²
No. and Height of Structures	3 • for site office, real estate agency and meter room (3 – 5.5m, 1 storey)
No. of Parking Spaces	46 (for private cars/LGVs) (5m x 2.5m)
No. of Loading/Unloading Space	Nil
Operation Hours	Public Vehicle Park: 24 hours daily, including Sundays and Public Holidays Shop and Services (Real Estate Agency) Use: 9:00 a.m. to 8:00 p.m. daily, including Sundays and Public Holidays

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

- (a) Application Form with attachments received on 13.6.2023 (**Appendix I**)
- (b) Further Information (FI) received on 30.6.2023 (**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 Site has been the subject of three previous planning permissions for public vehicle park since 2014 while the real estate agency at the Site was approved by the Board in 2017;
- (b) the applicant has complied with all the approval conditions of the previous planning permission No. A/YL-TYST/1043;

- (c) similar applications have been approved by the Board in the nearby “V” zone. The applied development is in line with the planning intention of the “V” zone and compatible with the surrounding environment;
- (d) there are insufficient parking spaces to meet the parking demand in Shan Ha Tsuen and part of the Site is Tso/Tong land which renders it difficult to be put to other uses; and
- (e) there will be minimal traffic and environmental impacts arising from the applied use.

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

The Site is the subject of three previous applications (No. A/YL-TYST/694, 855 and 1043) for temporary public vehicle park with/without shop and services (real estate agency) use covering the same site. All three applications were approved with conditions for a period of three years by the Committee between 2014 and 2020 mainly on the considerations that the proposal was not incompatible with the surrounding uses; the proposal would not jeopardise 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 under the last approved application No. A/YL-TYST/1043 have been complied with and the planning permission is valid until 22.9.2023. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

7. Similar Applications

There are 11 similar planning applications (No. A/YL-TYST/912, 974, 998, 1018, 1113, 1115, 1134, 1161, 1188, 1219 and 1222) for temporary public vehicle park and/or shop and services uses within/straddling the subject “V” zone in the past five years. All 11 applications were approved with conditions each for a period of three years by the Committee mainly on similar considerations as those in paragraph 6 above. However, the planning permissions for three of them (No. A/YL-TYST/974, 1113 and 1115) were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

8. 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 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

9.1 The Site is:

- (a) accessible from Shan Ha Road to its northwest via a local track (**Plans A-2 and A-3**); and
- (b) paved, largely fenced off and currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1043 (**Plans A-2 to A-4**).

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

- (a) comprise predominantly village houses and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles, a vehicle workshop and vacant land;
- (b) there are scattered residential structures in the vicinity of the Site with the nearest located about 10m to its east. The main village cluster of Shan Ha Tsuen is about 40m to its west; and
- (c) except for an open storage yard and a vehicle workshop to the north of the Site, the remaining open storage/storage yards, warehouses and parking of vehicles in the vicinity are suspected unauthorized developments subject to planning enforcement action.

10. 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 IV** and **V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 23.6.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park for private car and LGV and shop and services (real estate agency) for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it could provide private cars and LGVs parking spaces to meet the demand from nearby residents and serve any such need for shop and services 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 of three years would not jeopardise the long-term development of the area.
- 12.2 The surrounding area comprises predominantly village houses and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles and a vehicle workshop (**Plan A-2**). Although there are residential structures nearby, the applied use is generally not incompatible with the surrounding area.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/1043; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 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. There was no environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned 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 potential environmental nuisance on the surrounding areas.
- 12.5 Given that three previous approvals for temporary public vehicle park with/without shop and services (real estate agency) use had been granted to the Site between

2014 and 2020 and 11 similar applications within/straddling the subject “V” zone have been approved in the past five years (**Plan A-1**), approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 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 three years and be renewed from 23.9.2023 to 22.9.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.12.2023;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) 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
- (e) if the above planning condition (b) 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) to (c) are the same as that under the permission for application No. A/YL-TYST/1043; requirements for maintenance of landscaping, as well as restrictions on operation hours, specific activities and vehicle types have been removed as per the departments’ latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection are 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.

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 13.6.2023
Appendix Ia	FI received on 30.6.2023
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**