

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1229

- Applicant** : Mr. TSE Chun Nam
- Site** : Lot 444 RP in D.D. 121, Tai Tao Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : 2,600 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** : “Residential (Group B) 1” (“R(B)1”)
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]
- Application** : Proposed Temporary Public Vehicle Park (excluding Container Vehicles) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicles) with ancillary office for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for “R(B)” 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 paved, fenced off, largely vacant and partly occupied by four vacant squatters¹ (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Fui Sha Wai South Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed development will provide 58 parking spaces including 46 for private cars and 12 for private cars/light goods vehicles (LGVs) (**Appendix Ia** and **Drawing A-2**). No car beauty, washing, repairing, dismantling or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles exceed 5.5 tonnes, including container

¹ According to the applicant, three existing squatters at the northwestern portion of the Site will be redeveloped into two-storeys houses. According to the Notes of the OZP for “R(B)” zone, ‘House’ is a Column 1 use which is always permitted and the proposed houses are not covered by the current application.

tractors/trailers, will be allowed to enter and park at the Site. The parking spaces in the public vehicle park will be leased out to the general public on a monthly rental basis and will operate 24 hours daily including Sundays and public holidays. Two structures for ancillary office and toilet (with non-domestic floor area of not more than 22m² and building height not more than 3m (1-storey) would be provided at the Site. The vehicular access plan and the proposed layout plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on 23.6.2023 (**Appendix I**)
- (b) Further Information (FI) received on 3.8.2023* (**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 and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the proposed public vehicle park could meet the acute parking demand in the area and provide affordable parking spaces for the nearby residents; and
- (b) the proposed toilet will make use of an underground septic tank of an existing squatter and there will be minimal odour impact arising from the proposed toilet.

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 was the subject of planning enforcement case (No. E/YL-TYST/904) against an unauthorized development (UD) involving use for place for parking of vehicles and storage use (including deposit of containers) (**Plan A-2**). An Enforcement Notice was issued on 17.2.2023 requiring discontinuation of the UD by 17.5.2023. Site inspections on 18.5.2023 and 28.6.2023 revealed that the UD have been discontinued. The site condition would be closely monitored under established practice.

5. Previous Application

There is no previous planning application concerning the Site.

6. Similar Applications

There are two similar planning applications (No. A/YL-TYST/934 and 1139) covering the same site for temporary public vehicle park use straddling the subject “R(B)1” zone in the past five years. They were approved by the Rural and New Town Planning Committee (the Committee) of the Board mainly on the considerations that the proposed development was not incompatible with the surrounding uses; approval of the development 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. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

7. Planning Intention

The planning intention of the “R(B)” zone is 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.

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

8.1 The Site is:

- (a) accessible from Fui Sha Wai South Road to its northeast via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off, largely vacant and partly occupied by four vacant squatters (**Plans A-2 to A-4**).

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

- (a) comprise predominantly low to medium-rise residential structures/developments intermixed with car parks, storage yards, a vehicle repair workshop, monastery, vacant school, agricultural land, unused land and vacant land/structures;
- (b) there are two residential developments (namely The Woodsville and Uptown) to the immediate west and further north of the Site; and
- (c) except for a car park with valid planning permission (No. A/YL-TYST/1139), as well as the monastery to the south of the Site, the remaining car parks, storage yards and vehicle repair workshop in the vicinity are suspected UDs 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 Comments Received During the Statutory Publication Period

- 10.1 On 30.6.2023, the application was published for public inspection. During the statutory public inspection period, a total of 26 public comments were received. Among the public comments, 25 raise objections to/concerns on and one provides comments on the application. A full set of public comments will be deposited at the meeting for Members' inspection.

Objecting Comments (25 comments)

- 10.2 25 comments were received from the Incorporated Owners of The Woodville (enclosing a list of signatures) and individuals (**Appendices V-1 to V-5**) objecting to the application on the grounds that the proposed use will result in adverse security, noise, traffic and environmental impacts; the proposed toilet will cause odour and public hygiene concerns; and the long operation hours of the proposed development will cause disruption to the nearby residents.

Other Comment (1 comment)

- 10.3 One individual seeks clarification on the background of the adjoining Former Pak U Middle School and opines that the Site would be ideal for transitional housing development (**Appendix V-6**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicles) with ancillary office for a period of three years at the Site zoned "R(B)1" on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the "R(B)1" zone, there is no known implementation programme for long-term development on the Site and it could provide private cars and LGVs parking spaces to serve any such demand for nearby residents. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.
- 11.2 The surrounding area comprises predominantly low to medium-rise residential structures/developments intermixed with car parks, storage yards, a vehicle repair workshop, monastery, vacant school and other rural uses (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding area.
- 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. There was no substantiated 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” to minimise any potential environmental impact on the surrounding areas.

- 11.4 Given that two similar applications straddling the subject “R(B)1” zone have been approved in the past five years, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There are 26 public comments with 25 objecting to/raising concerns on the application as summarised in paragraph 10 above. In response to the public comments, the applicant has removed the five parking spaces near the adjoining residential development (i.e. The Woodsville) to enhance the buffer distance (**Appendix Ia** and **Drawing A-2**). 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 three years until 11.8.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no car beauty, washing, repairing, dismantling or other workshop activities, as proposed by the applicant, is allowed at the Site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceed 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked or enter the Site at any time during the planning approval period will be allowed to enter and park at the Site;
- (c) the submission of a 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 11.2.2024;
- (d) in relation to (c) above, the implementation of the 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 11.5.2024;
- (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 11.2.2024;

- (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 11.5.2024;
- (h) if the 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 development is not in line with the planning intention of the "R(B)1" zone which is primarily intended for sub-urban medium-density residential developments in rural areas. 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 23.6.2023
Appendix Ia	FI received on 3.8.2023
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-6	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan

Plan A-2
Plan A-3
Plans A-4

Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
AUGUST 2023