

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1271

- Applicant** : Tang Wai San Tong represented by Metro Planning & Development Company Limited
- Site** : Lot 1578 (Part) in D.D. 121 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long
- Site Area** : 2,740 m² (about) (including GL of about 45 m² (about 1.6%))
- 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** : Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years and Excavation of Land

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) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Excavation of land within the “V” zone also requires planning permission from the Board. The Site is currently paved, partly fenced off and largely vacant with some temporary structures (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Shan Ha Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed public vehicle park will provide 81 private car parking spaces, with an one-storey structure (not exceeding 3.5m) for site office and toilet. No light, medium or heavy goods vehicles, including container tractors/trailers, are allowed to access/park at the Site and no vehicle without valid licenses 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. Excavation of land (at a depth of about 0.45m covering an area of about 113.85m²) is proposed for provision of surface channel along the periphery of the Site. Plans showing the vehicular

access leading to the Site, site layout, proposed drainage plan, extent of land excavation and fencing plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.

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

- (a) Application Form with attachments received on 3.6.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 18.7.2024* (**Appendix Ia**)
 - (c) FI received on 22.7.2024* (**Appendix Ib**)
- * *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 **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed use is in line with the planning intention of the “V” zone and is compatible with the surrounding environment. Similar applications had been approved by the Board in the vicinity of the Site;
- (b) there is insufficient supply to meet the parking demand in Shan Ha Tsuen. The Site is owned by a Tso/Tong and has been vacant for a long time. Approval of the proposed public vehicle park would benefit the villagers;
- (c) the applicant will demolish the existing structures at the Site and apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the unauthorised structures and occupation of GL upon approval of the current application;
- (d) site fencing will be set back at the southern part of the Site and the existing access to the adjoining village houses would be maintained; and
- (e) there will be minimal traffic, noise and environmental impacts arising from the proposal.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information will be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under 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. 31B) are not applicable.

4. Background

The Site is not subject to planning enforcement action.

5. **Previous Application**

The Site is not involved in any previous application.

6. **Similar Applications**

There are six similar applications (No. A/YL-TYST/1018, 1043, 1161, 1222, 1228 and 1249) for temporary public vehicle park with/without other uses within the subject “V” zone in the past five years. All six applications were approved with conditions for a period of three years 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 proposal 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 applications are summarised in **Appendix II** and their locations 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 (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 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 Shan Ha Road via a local track (**Drawing A-1, Plans A-2 and A-3**); and
- (b) currently paved, partly fenced off and largely vacant with some temporary structures (**Plans A-2 to A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 to A-4**):

- (a) comprise predominantly village houses of Shan Ha Tusen and residential structures intermixed with open storage/storage yards, parking of vehicles/trucks, a vehicle repair workshop, agricultural land and unused land; and
- (b) some open storage/storage yards, parking of vehicles/trucks and vehicle repair workshop in the vicinity are suspected unauthorized developments which may be subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III** and **IV** respectively.

9.2 The following government department supports the application:

Traffic

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

- (a) she supports the application as a temporary public vehicle park which could meet the public demand for vehicle parking spaces;
- (b) no adverse comment on the application from traffic engineering perspective; and
- (c) the applicant should note her advisory comments in **Appendix IV**.

9.3 The following government department has adverse comment on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on the private lot(s) which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (b) no permission is given for occupation of GL (about 45m² as mentioned in the application form) included in the Site. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28); and
- (c) there is no SH application approved/under processing at the Site.

10. Public Comments Received During the Statutory Publication Period

On 11.6.2024, the application was published for public inspection. During the statutory public inspection period, seven public comments were received from local villagers/individuals. Five of them object to the application on the grounds that there are abundant parking spaces to meet the demand of the local residents; the proposed use would result in adverse fire safety, security, drainage and environmental impacts; and the development would block the existing access road of the local villagers. The remaining two public comments raised concerns on the application that adequate buffer should be provided between the Site and the nearby village houses and the proposed use is incompatible with the planning intention of "V" zone (**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 use is not entirely in line with the planning intention of the “V” zone, the development could provide private car parking spaces for the nearby villagers meeting the demand in the area. In this regard, the C for T supports the application and has no adverse comment on it from traffic engineering point of view. According to the DLO/YL, LandsD, 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 jeopardise the long-term development of the area.
- 11.2 Excavation of land within the “V” zone requires planning permission from the Board. In this regard, the applicant has provided justifications for the need of excavation of land for provision of drainage facilities at the Site, and the extent and scale of which are not significant. The Chief Engineer/Mainland North, Drainage Services Department has no objection to the application from the drainage point of view.
- 11.3 The surrounding area comprises predominantly village houses and residential structures intermixed with open storage/storage yards, parking of vehicles/trucks and other rural uses (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.4 There is no adverse comment from other concerned government departments, including the Director of Environmental Protection and Director of Fire Services on environmental and fire safety aspects respectively. 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 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.
- 11.5 DLO/YL, LandsD has concerns on the application as there is/are unauthorized structure(s) and/or uses on the Site which are already subject to lease enforcement actions. In this regard, the applicant indicates that they will demolish the existing structures at the Site and apply for STW and STT to DLO/YL, LandsD upon approval of the current application to regularise the unauthorised structures and occupation of GL (**Appendix Ia**).
- 11.6 Six similar applications within the subject “V” zone have been approved in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.7 There are seven public comments objecting to/raising concerns on the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant. Regarding the villagers’ concerns on the access of adjoining village houses, the applicant pledges to set back the site fencing at the southern part of the Site and the existing access of adjoining village houses would be maintained for public use (**Drawing A-5, Appendices Ia and Ib**).

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 2.8.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) 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 2.2.2025;
- (b) in relation to (a) 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 2.5.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 2.2.2025;
- (e) in relation to (d) 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 2.5.2025;
- (f) if the above planning condition (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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 are suggested for Members' reference:

the proposed development 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

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| Appendix I | Application Form with attachments received on 3.6.2024 |
| Appendix Ia | FI received on 18.7.2024 |
| Appendix Ib | FI received on 22.7.2024 |
| Appendix II | Similar Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public Comments |
| Drawing A-1 | Location Plan with Vehicular Access |
| Drawing A-2 | Proposed Layout Plan |
| Drawing A-3 | Proposed Drainage Plan |
| Drawing A-4 | Proposed Excavation Plan |
| Drawing A-5 | Fencing Plan |
| Plan A-1 | Location Plan with Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
AUGUST 2024**