

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1287

- Applicant** : Mr. TSE Chun Nam
- Site** : Lot 444 RP in D.D. 121, Tai Tao Tsuen, Ping Shan, Yuen Long
- Site Area** : 2,600 m² (about)
- Lease** : Block Government Lease (demised for agriculture 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** : Temporary Public Vehicle Park (excluding Container Vehicle) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) with ancillary office for a period of three years at the application site (the Site) zoned “R(B)1” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “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, and occupied by four vacant squatters¹ and the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the southern part is accessible from Fui Sha Wai South Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there will be 58 parking spaces including 46 for private cars and 12 for private cars/light goods vehicles (LGVs). Two single-storey structures (not exceeding 2.5m to 3m in height) with a total floor area of about 22m² are proposed for ancillary office and toilet uses. No car beauty, washing or repairing activities will be carried out at the Site. No medium or heavy goods vehicles, including container tractors/trailers, are allowed to enter and park at the Site. The parking

¹ According to the applicant, three of the existing squatters at the northwestern portion of the Site will be demolished and the remaining squatter will be converted into an ancillary office of the applied use.

spaces in the public vehicle park will be leased out to the general public on a monthly rental basis and the vehicle park will operate 24 hours daily including Sundays and public holidays. Plan showing the vehicular access and proposed layout plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 The Site was involved in a previous application (No. A/YL-TYST/1229) for the same use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 11.8.2023 (details at paragraph 5 below). Compared with the last application, the current application is submitted by the same applicant at the same site with the same layout and development parameters.

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

- (a) Application Form with attachments received on 10.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 17.10.2024* (**Appendix Ia**)
- (c) FI received on 3.12.2024* (**Appendix Ib**)
** accepted and exempted from publication and recounting 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 applied use could meet the acute parking demand in the area and provide affordable parking spaces for the nearby residents;
- (b) the number of patrols will be increased to ensure no medium or heavy goods vehicles will be parked at the Site; and
- (c) there will be minimal traffic 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. 31B) by notifying the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The use of the Site for parking of vehicles would be subject to planning enforcement action.

5. Previous Application

The Site was involved in a previous planning application No. A/YL-TYST/1229 for the same use covering the same site. The application was approved with conditions for a

period of three years by the Committee on 11.8.2023 mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. However, the above planning permission was subsequently revoked in 2024 due to non-compliance with an approval condition prohibiting medium or heavy goods vehicles to be parked or enter the Site. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. Similar Applications

There are two similar planning applications (No. A/YL-TYST/934 and 1139) covering the same site straddling the subject “R(B)1” zone in the past five years. They were approved by the Committee mainly on similar considerations as those mentioned in paragraph 5 above. Details of the applications are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Fui Sha Wai South Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by four vacant squatters and the applied use without valid planning permission (**Plans A-2 to A-4**).

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

- (a) comprise predominantly low to medium-rise residential structures/developments (including The Woodville and Uptown) intermixed with car parks, open storage/storage yards, a vehicle repair workshop, warehouse, vacant school, agricultural land, unused land and vacant land/structures; and
- (b) some of the car parks, storage yards and vehicle repair workshops in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

8. Planning Intention

The planning intention of the “R(B)1” 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.

9. Comments from Relevant Government Departments

9.1 Apart from the 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 are provided in **Appendices III** and **IV** 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 point of view; and
- (b) the local track leading to the Site is not under her purview.

10. Public Comment Received During the Statutory Publication Period

On 18.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns that the Site is the subject of previous revocation due to parking of medium/heavy goods vehicles and such consideration should be taken into account by the Board as it will cause safety and noise impact to the adjoining residential development (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for 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 applied use is not entirely in line with the planning intention of the “R(B)” zone, it could provide private cars and LGVs parking spaces to serve any such demand for nearby residents. In this regard, the C for T supports the application from traffic engineering point of view. There is also no known development programme or proposal for residential development at the Site for the time being. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(B)” zone.
- 11.2 The surrounding area comprises predominantly low to medium-rise residential structures/developments (including The Woodville and Uptown) intermixed with car parks, open storage/storage yards, a vehicle repair workshop, warehouse, vacant school, agricultural land, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Other concerned government departments consulted, including the 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 from environmental, fire safety and drainage aspects respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the 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 possible environmental nuisance on the surrounding areas.

- 11.4 The Site was involved in a previous application (No. A/YL-TYST/1229) for the same use approved by the Committee on 11.8.2023. The application was subsequently revoked in 2024 due to non-compliance with an approval condition prohibiting medium or heavy goods vehicles to be parked or enter the Site. The current application is submitted by the same applicant with the same layout and development parameters as the last application. The applicant has pledged to increase the number of patrols to ensure no medium or heavy goods vehicles would be parked or enter the Site (**Appendix Ia**) and the C for T supports the application from traffic engineering point of view. Moreover, there has been no substantiated environmental complaint concerning the Site received in the past three years. As such, sympathetic consideration may be given to the current application. Should the application be approved, an approval condition prohibiting medium or heavy goods vehicles to be parked or enter the Site is recommended and the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Given that a previous approval for temporary public vehicle park use was granted to the Site in 2023 and two similar applications straddling the subject “R(B)1” zone have been approved in the past five years, approval of the current application is in line with the previous decisions of the Committee.
- 11.6 There is one public comment 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 11.5 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 6.12.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked or enter the site at any time during the planning approval period;
- (b) 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 6.6.2025;
- (c) in relation to (b) 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 6.9.2025;

- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a proposal for fire service installations and water supplies for firefighting 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 6.6.2025;
- (f) in relation to (e) above, the implementation of the proposal for fire service installations and water supplies for firefighting 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 6.9.2025;
- (g) if any of the above planning condition (a) or (d) 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
- (h) if any of the above planning condition (b), (c), (e) or (f) 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 applied use is not in line with the planning intention of the "R(B)" zone, which is primarily 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
Appendix Ia

Application Form with attachments received on 10.10.2024
FI received on 17.10.2024

Appendix Ib	FI received on 3.12.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**