

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1289

- Applicant** : Mr. CHEUNG Hang Choi represented by Metro Planning & Development Company Limited
- Site** : Lot 1652 RP (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
- Site Area** : 806 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** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for 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). The Site is currently paved, partly fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the western part is accessible from Shan Ha Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, 15 private car parking spaces (5m x 2.5m each) for nearby residents and villagers would be provided. There will be two single-storey structures (not exceeding 3.5m in height) with a total floor area of about 170m² for open shed, guard room and toilet uses. 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. Plans showing the vehicular access leading to the Site, site layout, proposed drainage plan and swept path analysis 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 22.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 29.11.2024 (**Appendix Ia**)
[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 is in line with the planning intention of the “V” zone and the Site is owned by five different parties which hinders the opportunity for Small House (SH) development;
- (b) similar applications have been approved by the Board in the vicinity of the Site. The applied use is compatible with the surrounding environment;
- (c) there is insufficient supply to meet the parking demand in Shan Ha Tsuen and the applied use would benefit the villagers; and
- (d) there will be minimal traffic, noise and environmental impacts arising from the applied use. A 4.5m wide ingress/egress at the eastern part of the Site is reserved for vehicular access to the adjoining lots.

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

The applicant is one of the “current land owners” 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 obtaining consents of the “current land owners”. 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 Applications

There are seven similar applications (No. A/YL-TYST/1018, 1043, 1161, 1222, 1228, 1249 and 1271) involving five sites for temporary public vehicle park with/without other

uses within the subject “V” zone in the past five years. All seven 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 the locations of the sites are 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 Shan Ha Road via a local track (**Drawing A-1, Plans A-2 and A-3**); and
- (b) currently paved, partly fenced off and occupied by 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 to A-4**):**

- (a) comprise predominantly village houses and residential structures intermixed with open storage/storage yards, parking of vehicles, car servicing workshops, a warehouse, agricultural land, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate north and west; and
- (c) some open storage/storage yards, parking of vehicles, car servicing workshops and warehouse in the vicinity are suspected unauthorized developments which may be subject to planning enforcement action.

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 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.

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 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

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 and footpath leading to the Site is not under her purview.

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 which is/are 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; and
- (b) there is no SH application approved or under processing at the Site.

10. Public Comments Received During the Statutory Publication Period

On 29.10.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received including one from the Chairman of the Yuen Long Town Centre & Rural East Area Committee who did not express any comment on the application (**Appendix V-1**) and a public comment from an individual raising concern that the Site has been occupied by the applied use without valid planning permission for years (**Appendix V-2**).

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (private cars) 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, the development could provide private car parking spaces for the nearby villagers to serve any such demand in the area. In this regard, the C for T supports the application from traffic engineering point of view. According to the DLO/YL, LandsD, there is currently no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

11.2 The surrounding area comprises predominantly village houses and residential structures intermixed with open storage/storage yards, parking of vehicles, car

servicing workshops, a warehouse, 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. 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 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.
- 11.4 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site which are already subject to lease enforcement actions, the applicant indicates that a short term waiver will be applied from DLO/YL, LandsD upon approval of the application to regularise the unauthorised structures at the Site (**Appendix Ia**). The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Committee has approved seven similar applications involving five sites within the subject “V” zone in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 There are two public comments received during the statutory publication period including one raising concern on the application 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 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 20.12.2027. The following conditions of approval and advisory clauses are also 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 20.6.2025;
- (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 20.9.2025;

- (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 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 20.6.2025;
- (e) in relation to (d) 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 20.9.2025;
- (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 applied 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

Appendix I Application Form with attachments received on 22.10.2024

Appendix Ia	FI received on 29.11.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**