

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1307

- Applicant** : Mr. CHEUNG Chi Yin represented by Metro Planning & Development Company Limited
- Site** : Lot 2657 RP (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long
- Site Area** : 910 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** : Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

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). The Site is currently hard paved, partly fenced off and vacant (**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, 26 private car parking spaces (5m x 2.5m each) for nearby villagers would be provided. There will be a single-storey structure (not exceeding 3.5m in height) with a floor area of about 20m² for site office use. 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 and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 In support of the application, the applicant has submitted an Application Form with attachments received on 11.2.2025 (**Appendix I**).

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 applicant is representing Cheung Chan Sheung Tso;
- (b) the proposed use is in line with the planning intention of the “V” zone;
- (c) there is insufficient supply to meet the parking demand in Shan Ha Tsuen and the proposed use would benefit the villagers;
- (d) similar applications have been approved by the Board in the vicinity of the Site. The proposed use is compatible with the surrounding environment; and
- (e) there will be minimal traffic, noise and environmental impacts arising from the proposed use. Surface channel has been provided at the Site and fire service installations will be implemented upon approval of the application.

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

The applicant is the sole “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 eight similar applications (No. A/YL-TYST/1018, 1043, 1161, 1222, 1228, 1249, 1271 and 1289) involving six sites for temporary public vehicle park with/without other uses within the subject “V” zone in the past five years. All eight applications were approved with conditions each 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 use 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 hard paved, partly fenced off and vacant (**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, warehouses, parking of vehicles, car servicing, sitting-out area, toilet, unused land and vacant land/structures. Some of the uses are suspected unauthorized developments subject to planning enforcement action; and
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its northwest. The main village cluster of Shan Ha Tsuen is located at about 40m to the southwest of the Site.

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 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 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

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.

10. Public Comments Received During the Statutory Publication Period

On 18.2.2025, the application was published for public inspection. During the statutory public inspection period, eight public comments were received. Seven comments were received from villagers of Shan Ha Tsuen, including six on standard letter, objecting to the application on the grounds that the Site is the subject of suspected unauthorised filling of land with construction materials and concrete; there are sufficient parking spaces provided in the vicinity of the Site; and the proposed use will result in adverse drainage, traffic and road safety impacts (**Appendix V-1**). The remaining comment from an individual opines that electric vehicle charging facilities should be provided in the proposed public vehicle park (**Appendix V-2**).

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 to serve any such demand in the area. In this regard, C for T supports the application from traffic engineering point of view. According to the District Lands Officer/Yuen Long of Lands Department, 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 areas comprise predominantly village houses and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles, car servicing, sitting-out area, toilet, unused land and vacant land/structures (**Plans A-2 and A-3**). The proposed 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 of 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 The Committee has approved eight similar applications 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.
- 11.5 Regarding the public comments as summarised in paragraph 10 above, 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 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 11.4.2028. 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 11.10.2025;
- (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 11.1.2026;
- (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 11.10.2025;
- (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 11.1.2026;
- (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 is suggested for Members' reference:

the proposed 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 11.2.2025
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
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**