

RNTPC Paper No. A/YL-NTM/363B
For Consideration by
the Rural and New Town
Planning Committee
on 2.11.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/363

- Applicant** : Honour Will Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 830 and 831 in D.D. 102, Lots 397 (Part) and 401 (Part) in D.D. 105 and Adjoining Government Land (GL) , Ngau Tam Mei, Yuen Long
- Site Area** : About 1,034 m² (including GL of about 154 m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. A/YL-NTM/12
- Zoning** : “Village Type Development” (“V”) (about 96%)
“Open Storage” (“OS”) (about 4%)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (private cars and light goods vehicles only) for a period of 3 years (**Plan A-1**). The Site falls mainly within an area zoned “V” (about 96%) with a small portion within an area zoned “OS” (about 4%). According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use under “V” zone which requires planning permission from the Town Planning Board (the Board), and a Column 1 use under “OS” zone which is always permitted. The Site is not the subject of any previous application and is currently vacant with fence (**Plan A-2**).
- 1.2 According to the applicant, the proposed public vehicle park is intended to serve the residents of Shek Wu Wai and their visitors. As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at Shek Wu Wai Road with a 6m wide ingress/egress at the western boundary of the Site. The applicant has submitted landscape and drainage proposals to support the application. The major development parameters of the application are as follows:

Major Development Parameters	Application No. A/YL-NTM/363
Site Area	About 1,034 m ²
Applied Use	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years
No. of Structure	4 (site office, open shed, toilet, electricity meter room)
Building Height (No. of Storey)	3-4m (1 storey)
Total Floor Area	167 m ²
No. of Parking Space	12 (10 spaces for private cars (2.5m x 5m); 2 spaces for light goods vehicles (3.5m x 7m), not exceeding 5.5 tonnes)
Operation Hours	7am to 11 pm daily including Sundays and public holidays

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary planning statement received on 21.2.2018 **(Appendix I)**
 - (b) Further information (FI) received on 15.6.2018 enclosing revised drainage proposal to address DSD's comment **(Appendix Ia)**
(accepted and exempted from publication and recounting requirements)
 - (c) FI received on 18.9.2018 enclosing revised drainage proposal, estimated trip generation and revised layout plan to address DSD and TD's comments **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)
 - (d) FI received on 4.10.2018 enclosing revised drainage proposal to address DSD's comments **(Appendix Ic)**
(accepted and exempted from publication and recounting requirements)
 - (e) FI received on 23.10.2018 enclosing revised drainage proposal to address public and DSD's comments **(Appendix Id)**
(accepted and exempted from publication and recounting requirements)
- 1.4 The application was received on 21.2.2018. On 4.5.2018 and 3.8.2018, the Committee decided to defer decision on the application as requested by the applicant pending further submission from the applicant to address departmental

comments. On 18.9.2018, the applicant submitted FI, and the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 3 of the Supplementary Planning Statement at **Appendix I** and the FIs at **Appendices Ia - Id**. They can be summarized as follows:

- (a) The proposed public vehicle park will mainly serve the Shek Wu Wai's villagers and their visitors to address the local parking demand. It would also alleviate existing on-street parking situation.
- (b) The proposed development which is temporary in nature would not jeopardise the planning intention of the "V" zone in the long run. In view of nature and scale of the proposed development, it is compatible with the surrounding environment which is mainly informal temporary structures, container trailer park and open storage yard.
- (c) The Site is hard-paved and no vehicle repairing, dismantling, car beauty, car washing and other workshop activities will be carried out on site. No vehicle exceeding 5.5 tonnes will be allowed to enter the Site. Therefore, no adverse environmental impact is anticipated.
- (d) The ingress/egress to the Site is about 6m wide. The Site will provide sufficient spaces to allow smooth internal movement of vehicles. No vehicle will be queued up outside the Site. According to the applicant, the traffic generated from the proposed use is not expected to be significant and no adverse traffic impact is anticipated.
- (e) According to the drainage proposal submitted under the current application, with the implementation of the proposed drainage facilities, the proposed development would not generate adverse drainage impact to the Site and its surroundings.
- (f) Similar planning applications for public vehicle parks (private cars and light goods vehicles) in "V" zone under the adjoining OZP have been approved by the Committee in recent years. Similar treatment should be applied to the subject application.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" of the Site 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 notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection. The remaining of the Site is GL, and the "owner's consent/notification" requirements are not applicable.

4. Background

The Site is not the subject of any active enforcement action or suspected unauthorized development.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application within the “V” zones on the Ngau Tam Mei OZP.

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

7.1 The Site is:

- (a) currently vacant with a temporary metal frame open shed;
- (b) hard-paved and fenced; and
- (c) accessible to Shek Wu Wai Road.

7.2 The surrounding areas are intermixed with vehicle parks, warehouses, open storage yards, cargo handling and forwarding facilities, rural workshops, residential dwellings, cultivated agricultural land, ponds and unused land:

- (a) to its immediate north within the “OS” zone is temporary public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction materials approved under Application No. A/YL-NTM/358;
- (b) to its immediate east within the same “V” zone are residential dwellings; to its further east across the watercourse within the “OS” zone are cargo handling and forwarding facility, open storage yards and rural workshops;
- (c) to its south within the same “V” zone are warehouse, residential dwellings, ponds, cultivated agricultural land; and
- (d) to its west across Shek Wu Wai Road are vehicle and lorry parks, residential dwelling and unused land within “OS” and “Green Belt” zones.

8. Planning Intention

The Site falls mainly within “V” (about 96%) zone (**Plans A-1 and A-2**). The planning intention of “V” zone is to designate both existing recognized 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. It is also intended to concentrate village type development within this 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 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) A portion of the GL (about 5m²) of the Site is covered by a Short Term Tenancy (STT) No. 180 for the purpose of “Bone Crushing”.
- (c) No permission is given for occupation of the remaining GL of about 149m² in area (subject to verification) included in the Site. The act of occupation of remaining GL without Government’s prior approval is not allowed.
- (d) The Site is accessible to Shek Wu Wai Road through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, the STT holder will need to apply to his office for modification of the STT conditions if there is any irregularity on site. Furthermore, the applicant has to

either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such applications will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

- (g) According to his record, there is no Small House application having been approved/ under processing within the Site.

Traffic

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

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Should the applicant be approved, the following conditions should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Shek Wu Wai Road should be commented by TD.
- (b) If the proposed access arrangement is agreed by TD, the applicant should construct a road junction or run-in/out at the access point at Shek Wu Wai Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement, to the satisfaction of HyD and TD.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) He has no comment on the application from the railway development viewpoint.

- (b) The Site neither falls within any administrative route protection boundary, gazetted railway schemes, nor railway protection boundary of heavy rail systems.

Environment

9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.
- (b) There was no substantiated environmental complaint related to the Site in the past 3 years.

Nature Conservation

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As the Site is located within “V” and “OS” zones, he has no strong view against the application from nature conservation perspective.
- (b) He noted that there are some trees adjoining the Site and some trees are located near the proposed ingress/egress point. The applicant is reminded to take necessary measures to avoid causing damages to trees adjoining the Site during operation.
- (c) There is watercourse abutting the eastern boundary of the Site (**Plan A-2**). Should the application be approved, the applicant is advised to adopt appropriate measures to avoid polluting and disturbing the watercourse during operation.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on the suitability for the proposed use at the Site.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to affect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Drainage

9.1.9 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from the drainage operation and maintenance point of view.
- (b) Should the application be approved, the applicant should be advised on the following:
 - (i) the drainage proposal (**Appendix Id**) submitted by the applicant is considered acceptable. Should additional drainage works be required, approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
 - (ii) after completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
 - (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
 - (iv) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
 - (v) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
 - (vi) the applicant should consult DLO/YL regarding all the proposed drainage works outside the Site boundary in order to ensure the unobstructed discharge from the Site in future; and
 - (vii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

Landscaping

9.1.10 Comments of the Chief Town Planner/Urban Design and Landscape,

Planning Department (CTP/UD&L, PlanD):

- (a) He has no comment on the application as the Site does not fall within any sensitive area and without significant landscape resources.
- (b) The applicant is reminded that tree works applications should be submitted directly to DLO/YL, LandsD for approval.
- (c) Useful information on general tree maintenance and care as well as good practices on Tree Risk Assessment is available for reference in Pictorial Guide for Tree Maintenance and the Handbook of Tree Management published by the Greening, Landscape & Tree Management Section, Development Bureau. Respective webpages are:

(https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)

(https://www.greening.gov.hk/en/tree_care/Handbook_on_Tree_Management.html)

Others

9.1.11 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/ or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

9.1.12 Comments of the Commissioner of Police (C of P):

He has no comment in principle subject to no parallel trading/ general merchandise operations (GMO) activities involved.

District Officer’s Comments

9.1.13 Comments of the District Officer(Yuen Long) (DO(YL)):

He has no comment and has not received any comments from the locals on

the application.

9.2 The following Government departments have no comment on the application:

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 2.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 23.3.2018, two objecting comments were received from a Shek Wu Wai resident and a general public raising concerns that the open storages and workshop activities in vicinity have already generated fire risk, adverse traffic and environmental impacts, and the approval of the application may further increase such risks and adverse impacts; the proposed use was not in line with the planning intention of “V” zone; and parking facilities should be accommodated in buildings, underground or in stacked facilities.

11. Planning Considerations and Assessments

11.1 The Site falls mainly within “V” zone which is to designate both existing recognized 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. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. DLO/YL, LandsD advised that there is no small house application approved or under processing within the Site. According to the applicant, the proposed public vehicle park will mainly serve the Shek Wu Wai villagers and their visitors to address the local parking demand. Although the proposed use for temporary public vehicle park (private cars and light goods vehicles only) is not in line with the planning intention of the “V” zone, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “V” zone. The proposed vehicle park can provide parking spaces to serve the local residents.

11.2 The proposed development is not incompatible with the surrounding land uses, comprising vehicle parks, warehouses, open storage yards, cargo handling and forwarding facilities, rural workshops, residential dwellings, cultivated agricultural land, ponds and unused land.

11.3 Concerned government departments, including DEP, DAFC, C for T,

CHE/NTW, HyD, D of FS, CE/MN, DSD and CTP/UD&L, PlanD, have no objection to or no adverse comment on environmental, ecological, traffic, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraph 12.2 (e) to (h) below. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the activity on-site are recommended in paragraphs 12.2 (a) to (d) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.

- 11.4 Two objecting public comments were received raising concerns that the open storages and workshop activities in vicinity have already generated fire risk, adverse traffic and environmental impacts, approval of this application may further increase such risk and adverse impacts; the proposed use is not in line with the planning intention of “V” zone (paragraph 10 refers). In this regard, the concerned open storages and workshops are located in the adjacent “OS” zone (**Plan A-2**) and the applicant has clarified that no open storage and workshop activity will be involved in the Site. The planning consideration and assessments above are of relevant.

12. **Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10, 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 3 years until 2.11.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) only private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the Site to indicate that

only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;

- (e) no car washing, vehicles repair, dismantling, paint spraying or other workshop activities is allowed on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/ from the Site at any time during the planning approval period;
- (g) the implementation of the accepted 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 2.5.2019;
- (h) the submission of 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 2.5.2019;
- (i) in relation to (h) above, the provision of fire service installations 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 2.8.2019;
- (j) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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
- (k) if any of the above planning conditions (g), (h) or (i) 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 attached at **Appendix III**.

- 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 "V" zone, which is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. There is no strong planning justification in the submission for a departure from such 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 received on 21.2.2018
Appendix Ia	FI received on 15.6.2018
Appendix Ib	FI received on 18.9.2018
Appendix Ic	FI received on 4.10.2018
Appendix Id	FI received on 23.10.2018
Appendix II	Public comments received during the publication period
Appendix III	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and b	Site Photos