

RNTPC Paper No. A/YL-PH/871  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 22.1.2021

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PH/871**

- Applicant** : CHEUNG Fui (or Hoi) Un (or Yun) Tso represented by Mr. CHEUNG Choi Hing
- Site** : Lot 744 S.B ss.4 (Part) in D.D. 111, Sheung Che Tsuen, Pat Heung, Yuen Long
- Site Area** : 270 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)  
[Maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Private Vehicle Park for Private Car for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary private vehicle park for private car for a period of 3 years. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for parking of vehicles with planning permission (**Plans A-2 and A-4**). All the approval conditions of the last approved application No. A/YL-PH/769 have been complied with and the planning permission is valid until 16.3.2021.
- 1.2 According to the applicant, a total of 8 private car parking spaces will be provided at the Site to serve the villagers of Sheung Che Tsuen. No structure is proposed on-site. The operation hours will be 24 hours daily including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 Compared with the previously approved application No. A/YL-PH/769, the current application is submitted by the same applicant for the same use, site area

and number of parking spaces but deleted a structure originally proposed in the previous application.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with plans received on 27.11.2020 (**Appendix I**)
  - (b) Further Information (FI) received on 11.1.2021 and 12.1.2021 providing response to departmental comments  
(*exempted from publication requirement*)

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**. They can be summarized as follows:

The approval conditions of the previous application have all been complied with. The car park will help ensure cars are parked in an orderly manner.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C) are relevant to this application. The relevant assessment criteria are extracted below:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;

- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

## 5. **Background**

The Site is not the subject of active planning enforcement action.

## 6. **Previous Application**

The Site was involved in one previous application (No. A/YL-PH/769) for the same applied use and submitted by the same applicant as the current application. The application was approved with conditions by the Committee for a period of 3 years on 16.3.2018 mainly for the reasons that temporary approval would not jeopardize the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding area; and relevant Government departments had no adverse comment. All the approval conditions have been complied with and the planning permission is valid until 16.3.2021. Details of the application are summarized in **Appendix II** and the location of the site is shown on **Plan A-1**.

## 7. **Similar Applications**

- 7.1 There are a total of 8 similar applications for temporary car park in the same “V” zone. Details of the applications are summarized in **Appendix III** and the location of the sites are shown on **Plan A-1**.
- 7.2 All the applications for temporary vehicle park for a period of 3 years were approved with conditions by the Committee between 2003 and 2019 mainly for similar reasons as stated in paragraph 6 above. However, planning permission of application Nos. A/YL-PH/450, 473, 743, 747, 759, 762 and 794 were revoked due to non-compliance of approval conditions.

## 8. **The Site and Its Surrounding Areas (Plans A-1 to A-4)**

- 8.1 The Site is:
  - (a) paved and used for parking of vehicles with valid planning permission; and
  - (b) accessible via a local track branching off Fan Kam Road to its east.

- 8.2 The surrounding areas are rural in character intermixed with residential structures / dwellings, private club, parking of vehicles, open storage yards and vacant/unused land (**Plan A-2**):
- (a) to its north, south and west are residential structures / dwellings, parking of vehicles, a private club, open storage yard and vacant / unused land; and
  - (b) to its east across Fan Kam Road are residential structures / dwellings, open storage yards and vacant / unused land.

## **9. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site falls on Lot 744 S.B ss.4 which was carved out from Lot 744 S.B RP in 2020.
  - (b) The Site comprises an Old Scheduled Agricultural Lot 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.
  - (c) It is noted that no structures are proposed.

- (d) There is no small house application approved and under processing within the Site.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C for T)

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

#### 10.1.3 Comments of the Chief Highway Engineer/NT West, Highway Department (CE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint concerning the Site received in the past 3 years.
- (b) The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.

### **Landscape**

#### 10.1.5 Comments of the Chief Town Planner / Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She has no objection to the application from the landscape planning perspective.
- (b) Based on the aerial photo taken on 18.10.2019, the Site is situated in an area of rural landscape character comprising of scattered tree groups and village house. The proposed development is considered not incompatible with the surrounding landscape setting. Comparing the aerial photos taken in 2018 and 2019, there is no significant change to the surrounding landscape setting since the application was last approved. Noting that there is no substantial change in the layout of the development, further significant adverse impact to landscape resources within the Site arising from the proposed development is not anticipated.
- (c) Should the application be approved, approval condition to maintain the existing landscape plantings within the Site in a healthy condition at all times during the approval period should be included.

### **Nature Conservation**

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

- (a) Considering that a previous application for the same applied use as the current application was approved by the Board and the Site is located next Fan Kam Road, he has no comment on the renewal application from nature conservation perspective.
- (b) Nonetheless, should the application be approved, the applicant is advised to adopt necessary measures to avoid polluting the watercourse to the east of the Site.

### **Drainage**

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

- (a) He has no in-principle objection to the development.

- (b) Presumably the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-PH/769. The applicant should inform relevant department if the drainage arrangement has been changed.
- (c) Should the application be approved, approval conditions on the maintenance of the drainage facilities implemented under application No. A/YL-PH/769 and submission of record of the existing drainage facilities on-site should be included in the planning permission.

### **Fire Safety**

#### 10.1.8 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the renewal application subject to the existing fire service installations (FSIs) implemented on the Site being maintained in efficient working order at all times.

### **Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) His detailed comments on unauthorized building works and provision of access are at **Appendix V**.

### **District Officer's Comments**

#### 10.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comments from locals on the application upon close of consultation and has no particular comments on the application.

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

- (a) Chief Engineer / Construction, Water Supplies Department;
- (b) Project Manager (West), West Development Office, Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services;
- (d) Commissioner of Police.

## **11. Public Comments Received During Statutory Publication Period**

On 4.12.2020, the application was published for public inspection. During the three-week statutory publication period, four public comments from Sheung Che Tsuen villagers and an individual were received (**Appendices IV-1 to IV-4**). The comments object to the application mainly on the grounds that the “V” zone is for development of Small Houses by indigenous villagers, and commercial development at the Site will threaten the security of the neighbourhood; the development would result in adverse traffic and environmental impacts, and affect pedestrian safety and living quality.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary private vehicle park for private car at “V” zone. The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The applied use is not entirely in line with the planning intention of “V” zone. Nevertheless, DLO/YL of LandsD advises that there is no Small House application approved and under processing at the Site. It is considered that temporary approval of the application would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The development is considered not incompatible with the surrounding areas which are generally rural in character intermixed with residential structures / dwellings and vacant/unused land. According to the applicant, the private car park is to serve the residents of Sheung Che Tsuen.
- 12.3 The application is in line with TPB PG-No.34C in that previous approval for the same applied use (No. A/YL-PH/769) was granted in 2018 and all the approval conditions have been complied with. Compared with the last approved application, the current application submitted by the same applicant is the same in terms of use, site area and number of parking spaces. Besides, there is no major change in planning circumstances since the last approval.
- 12.4 Relevant departments consulted including C for T, CE/MN of DSD and D of FS have no adverse comment on the application. To minimise any potential



nuisance, approval conditions prohibiting medium or heavy goods vehicles are recommended in paragraphs 12.2 (a) to (c) below. Besides, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2(d) to (h) below.

- 12.5 Apart from the previous approval for the same applied use granted for the Site in 2018, there are eight similar applications for temporary car park use within the same “V” zone approved with conditions by the Committee from 2003 to 2019 as stated in paragraph 7 above. Approval of the current application is in line with the Committee’s previous decision.
- 12.6 Four public comments were received during the statutory publication period objecting to the application as stated in paragraph 11 above. In this regard, relevant departments’ comments as well as planning considerations and assessments as stated above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the temporary private vehicle park for private car for a period of 3 years.
- 13.2 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, and be renewed from 17.3.2021 to 16.3.2024. 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 are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.6.2021;
- (g) the existing landscape plantings within the Site shall be maintained in a healthy condition at all times during the planning approval period;
- (h) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (i) if any of the above planning condition (a), (b), (c), (d), (e), (g) or (h) 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
- (j) if the above planning condition (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.

*[The above planning conditions are largely the same as those under the planning permission of previous Application No. A/YL-PH/769, except change/deletion of those on drainage, FSIs and landscape aspects based on the comments of CE/MN of DSD, D of FS and CTP/UD&L of PlanD respectively.]*

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong reason to reject the renewal application.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning approval.
- 14.2 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.

- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

## **15. Attachments**

<b>Appendix I</b>	Application form with plans received on 27.11.2020
<b>Appendix Ia</b>	FI received on 11.1.2021 and 12.1.2021
<b>Appendix II</b>	Previous application covering the Site
<b>Appendix III</b>	Similar applications within the same “V” zone of the Site on the Pat Heung OZP
<b>Appendices IV-1 to IV-4</b>	Public comments received during the statutory publication period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2021**