

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

APPLICATION NO. A/YL-TT/420

- Applicant** : Mr. CHEUNG Kau-on represented by Metro Planning and Development Company Limited
- Site** : Lot 3563 S.C RP (Part) in D.D. 116, Tong Tau Po Tsuen, Yuen Long, New Territories
- Site Area** : 980 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park for private car and light goods vehicle at the application site (the Site) for a further period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use that requires planning permission from the Town Planning Board (the Board). The Site is currently occupied for the applied use with valid planning permission under Application No. A/YL-TT/349 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site was the subject of four previous applications (No. A/YL-TT/223, 286, 331 and 349) by the same applicant for similar public vehicle park uses. The last application (No. A/YL-TT/349) was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 27.3.2015. All the time-limited approval conditions under the last application have been complied with and the permission is valid up to 27.3.2018. Details of the previous applications are at paragraph 6 below and **Appendix III**. Compared with the last application, the current application is submitted by the same applicant

for the same use on the same site, and the development parameters and site layout remain unchanged.

1.3 The Site is accessible from Tai Shu Ha Road East via a local track to its southwest (**Plan A-2**). According to the applicant, the public vehicle park aims to serve the locals. A plan showing the vehicular access leading to the Site, a proposed layout plan, a proposed tree preservation plan, and an as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.4 The major development parameters are as follows:

Site Area	About 980 m ²
Parking Spaces for Private Car/Light Goods Vehicle	20
Operation Hours	24 hours daily

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

- (a) Application Form received on 6.12.2017 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**

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 (**Appendix Ia**). They can be summarized as follows:

- (a) The Site is not subject to impending Small House application and temporary use could be therefore considered in the interim. The applied development which is temporary in nature would not jeopardize the planning intention of the “V” zone in the long run.
- (b) The development conforms to the planning intention of the “V” zone as it fulfills the parking demand of residents of Tong Tau Po Tsuen as the application is intended to serve the residents of said village and their visitors.
- (c) The nature and size of the applied development is compatible with the surrounding environment. Insignificant impact on traffic, environment and drainage aspects generated by the development are anticipated.
- (d) The Site was granted planning permission (No. A/YL-TT/349) for the same use with same development parameters as the current application. All the approval conditions of the said permission have been complied with.

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 for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. **Background**

The Site is still covered by a valid planning approval (No. A/YL-TT/349) and it is currently not subject to any active enforcement action.

6. **Previous Applications**

- 6.1 The Site was the subject of four previous applications submitted for similar public vehicle park uses (No. A/YL-TYST/223, 286, 331 and 349) on temporary basis for a period of 3 years. Details of the applications are summarized in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-TT/223, 286 and 331 for temporary public vehicle park (excluding container vehicle) or renewal of the planning approval submitted by the same applicant were approved by the Committee on 4.7.2008, 20.5.2011 and 27.6.2014 respectively each for a period of 3 years, mainly on considerations of not incompatible with the surrounding lands uses; not frustrating the long-term planning intention; and concerns of relevant departments could be addressed by appropriate approval conditions. However, planning permission No. A/YL-TT/331 was subsequently revoked due to non-compliance with approval condition on drainage aspect.
- 6.3 The last application (No. A/YL-TT/349) by the same applicant for temporary public vehicle park for private car and light goods vehicle for a period of 3 years was approved by the Committee on 27.3.2015 on similar considerations as the previous applications. All the time-limited approval conditions have been complied with and the permission is valid up to 27.3.2018.
- 6.4 Compared with the last application (No. A/YL-TT/349), the current application is submitted by the same applicant for the same use on the same site, and the site layout remain unchanged.

7. Similar Applications

- 7.1 There are a total of 2 similar applications (No. A/YL-TT/148 and 377) for various vehicle park uses in the subject “V” zone. Detailed information of the applications is at **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 Application No. A/YL-TT/148 for temporary private car, lorry and oil tanker park for a period of 3 years was rejected the Board on review on 2.1.2004 mainly on grounds that, among others, that the development was not compatible with the surrounding areas; no information to demonstrate that the parking of oil tankers would serve local needs; and no information to demonstrate that there would be no adverse traffic, visual and drainage impacts.
- 7.3 Application No. A/YL-TT/377 for temporary public vehicle park (private cars and van-type light goods vehicles) for a period of 3 years was approved by the Committee with conditions on 13.5.2016 mainly on considerations of not incompatible with the surrounding land uses; and unlikely to cause significant environmental, traffic and drainage impacts.

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

- 8.1 The Site is:
- (a) accessible via a local track leading from Tai Shu Ha Road East to its southwest (**Plan A-2**); and
 - (b) paved and currently occupied for the applied use with valid planning permission under Application No. A/YL-TYST/349.
- 8.2 The surrounding areas have the following characteristics:
- (a) residential in nature intermixed with vehicle parks, warehouses, storages/open storage yards, an orchard, cultivated and fallow agricultural land, and vacant and unused land;
 - (b) the residential settlement of Tong Tau Po Tsuen is located to the immediately north, east and west of the site with the nearest one located about 5m to the west of the site;
 - (c) there are residential structures, an orchard, a latrine, vehicle parks, and real estate agency and storages/open storage yard to the east, southeast and south of the site;
 - (d) there are warehouses, a vehicle park, scattered residential structures, and vacant or unused land in an area zoned “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) across the nullah; and
 - (e) the real estate agency, vehicle parks, warehouses and storages/open storage yard in its vicinity are suspected unauthorised developments subject to enforcement action being taken by the Planning Authority.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses 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.

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 comprises an Old Schedule 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.
- (b) The Site is accessible to Tai Shu Ha Road East via Government land (GL). His office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site.
- (c) There is no Small House application received or under processing on the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by the Lands Department acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the Lands Department.

Traffic

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

- (a) The land status of the access road/path/track leading to the Site from Tai Shu Ha Road East shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and relevant management and maintenance authorities shall be consulted accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no vehicle queuing and no reverse movement of vehicles on public road are allowed.

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

- (a) Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains.
- (b) HyD is not and shall not be responsible for the maintenance of any existing vehicular access connecting the site and Tai Shu Ha Road East.

Environment

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

- (a) The latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his department should be observed by the applicant.
- (b) There is no environmental complaint case related to the Site in the past three years.

Drainage

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

- (a) Based on the submission enclosed in the application, the applicant would maintain the existing drainage facilities.
- (b) In view of the above, he has no objection in principle to the applied development. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities and submission of a record of the existing drainage facilities on the Site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

- (a) He has no objection in principle to the proposal 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. In addition, 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.
 - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

Water Supply

10.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards.
- (b) Please note that water mains in the vicinity of the Site cannot provide the standard pedestal hydrant.

Others

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

For the design and operation of electricity package substation, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible. The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

District Officer's Comments

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

The local consultation has been completed and his office has not received any comments from the village representatives in the vicinity regarding the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (c) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

On 15.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 5.1.2018, one public comment has been received from a member of public objecting to the application on grounds of departure from the planning intention of "V" zone, land use incompatibility, adverse environmental impacts, and inefficient use of land (**Appendix V**).

12. Planning Considerations and Assessments

- 12.1 The subject application is for renewal of the planning permission under previous Application No. A/YL-TT/349 for temporary public vehicle park for private car and light goods vehicle at a site zoned "V" on the OZP. The planning intention of the "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. Whilst the applied development is not entirely in line with the planning intention of the "V" zone, it could meet the parking demand in the locality. According to DLO/YL of LandsD, there is no Small House application at the Site at present. As such, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the "V" zone.
- 12.2 The Site is located at the fringe of the "V" zone with an access from Tai Shu Ha Road East without passing through the major cluster of residential developments in the vicinity. The applied development is considered not incompatible with the surrounding land uses which are primarily residential in nature intermixed with vehicle parks, warehouses, storages/open storage yards, an orchard, cultivated and fallow agricultural land, and vacant and unused land.
- 12.3 The application is generally in line with TPB PG-No. 34B in that there has been no

material change in planning circumstances since the granting of the previous approval under Application No. A/YL-TT/349; the approval conditions have been complied with; and the 3-year approval period sought is of the same timeframe as the previous approval.

- 12.4 Government departments consulted, including DEP, C for T, CE/MN of DSD, and D of FS, have no objection to or adverse comment on the application. Significant adverse environmental, traffic, and drainage impacts on the surrounding area are not envisaged. To minimize any possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned government departments, relevant approval conditions are also recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact.
- 12.5 Given that the Committee has approved four applications (No. A/YL-TT/223, 286, 331 and 349) for similar uses covering the same site and 1 other similar application in the subject “V” zone, approval of the renewal application is also in line with the Committee’s previous decisions.
- 12.6 There is one public comment (**Appendix V**) received objecting to the application on grounds of departure from the planning intention of “V” zone, land use incompatibility, adverse environmental impacts, and inefficient use of land. The above planning considerations and assessments in paragraph 12.1 to 12.5 are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary public vehicle park for private car and light goods vehicle could be tolerated 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 further period of 3 years from 28.3.2018 to 27.3.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations, as proposed by the applicant, is allowed to be parked/stored on Site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including

container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that no medium or heavy good vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (d) no vehicle dismantling, car beauty, car washing, and other workshop activities, as proposed by the applicant, is allowed to be carried out on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape planting on the Site shall be maintained at all time during the approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.6.2018;
- (i) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.9.2018;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.12.2018;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (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;
- (l) if any of the above planning conditions (h), (i) or (j) 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; and
- (m) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[Approval conditions (a) to (c) and (e) to (h) are the same as those under the permission for Application No. A/YL-TT/349, while conditions (d), (i) and (j) are updated to accord with the applicant's information and the department's latest requirements.]

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The continual occupation of the site for the development is not in line with the planning intention of the "V" zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 6.12.2017
Appendix Ia	Supplementary Planning Statement
Appendix II	Relevant extract of the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
Appendix III	Previous applications covering the application site
Appendix IV	Similar Applications within the Subject "V" Zone on the OZP
Appendix V	Public comment received during statutory publication period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Tree Preservation Plan

Drawing A-4	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2018**