

RNTPC Paper No. A/YL-TT/434
For Consideration by
the Rural and New Town
Planning Committee
on 3.8.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/434

- Applicant** : Well King International Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 1213 (Part) in D.D.117, Tai Tong Tsuen, Yuen Long, New Territories *(Lots 3049 and 3050 in D.D.120)*
- Site Area** : 2,100 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** : Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years. According to the Notes of the OZP for the “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 vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 Major development parameters of the application are summarized in table below:

Site Area	About 2,100m ²
Total Floor Area (Non-domestic)	40m ²
No. of Structures and Height of Structures	2 (for toilet and guard room (not exceeding 3m, 1 storey) and cashier office (not exceeding 3m, 1 storey) uses)
Parking Spaces	58 nos. parking spaces (53 nos. for private car and 5 nos. for light goods vehicle)
Operation Hours	24 hours daily

- 1.3 The Site is accessible via a local access to its east leading from Tai Tong Road (**Plan A-2**). According to the applicant, the proposed development is intended to meet the parking demand of the villagers. Light goods vehicles' parking spaces are proposed as some of the villagers are the drivers of light goods vehicles. No open storage, vehicle repairing, dismantling and workshop use will be carried out at the Site. A plan showing the vehicular access leading to the Site, a site layout plan, proposed landscape plan and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 13.6.2018 (**Appendix I**)
 - (b) Supplementary Planning Statement (**Appendix Ia**)
 - (c) Further Information received on 20.7.2018 clarifying the ingress/egress at Shui Tsiu San Tsuen Road will be fenced off (**Appendix Ib**)
 - (d) Further Information received on 24.7.2018 undertaking the applicant will remove the materials overlaid around the abandoned ingress/egress and reinstate the footpath and the kerb side (**Appendix Ic**)

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 Ia** and the further information at **Appendices Ib and Ic**. They can be summarized as follows:

- (a) The Site is zoned "V" on the OZP which is to designate both existing recognized villages and areas of land considered suitable for village expansion. A selective range of uses including commercial, community and recreational uses may be permitted on application to the Board. Public vehicle park is a Column 2 use in "V" zone. The proposed uses, which are for the expedience of the villagers, is a community use to serve the parking demand of villagers. The nature and size of the proposed development demonstrate that it is considered compatible with the surrounding environment which is mainly village houses and parking of vehicles at unmanaged land, and would hardly affect the character of the village. As such it is in line with the planning intention of the "V" zone.
- (b) There is a need for public parking of private cars and light goods vehicles for villagers in Tai Tong Tsuen. Most of the vehicles are parked at a piece of unmanaged land near the entrance of the village and are exposed to threat of being stolen. A watchman will be employed to protect the property of the vehicle owners.
- (c) There are similar approvals for temporary public vehicle park use in "V" zone of Tai Tong OZP (Application No. A/YL-TT/377 and 420). Various assessments

undertaken conclude that the proposed use would not generate significant adverse impact to the surrounding areas. Thus, the Board is sincerely requested to give similar treatment to the current application.

- (d) There will be minimal traffic impact. The Site is for parking of private cars and light goods vehicles only. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, and no vehicles without valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site. Also, vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to park at the Site. It is estimated that the proposed development would not generate significant amount of traffic and would not affect traffic condition of the area since the proposed development would provide only 58 parking spaces.
- (e) In view of its static nature, the proposed use would generate neither significant environmental nor noise disturbance to both the environment and residents in the area. The proposed development would not generate excessive noise as parking of vehicles, starting of engines and associated traffic are short-lived, limited and infrequent. A number of ameliorative measures, including installation of 'No honking sign' at the ingress/egress, provision of signage on the types of vehicles allowed to be parked at the Site, and hard paving the Site, are proposed. Besides, no open storage, vehicle repairing, dismantling and workshop use will be carried out at the Site.
- (f) With the implementation of drainage facilities, the proposed development would not generate adverse drainage impact. All the proposed drainage facilities will be provided and maintained by the applicant at his own expense. Also, surface channel will be cleared at regular interval to ensure unhindered flow of surface runoff along the channel.
- (g) Apart from fencing off the abandoned ingress/egress at Shui Tsiu San Tsuen Road by 2.5m high fencing to avoid vehicles entering the Site via Shui Tsiu San Tsuen Road, the applicant shall also remove the bituminous/cementitious materials overlaid around the said ingress/egress at the kerb side and the footpath of Shui Tsiu San Tsuen Road and reinstate the footpath and the kerb side to the satisfaction of relevant government departments.

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

The applicant is not a "current land owner" 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 a notice of application at the Site and sending the notice to Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving parking of vehicles. Enforcement Notice (EN) was issued to the

concerned parties on 12.3.2018 requiring discontinuance of the UD. The compliance period of the EN expired on 12.5.2018. Further site inspection is required to ascertain whether the UD is genuinely discontinued. If the notice recipients fail to comply with the requirement of the EN, prosecution action will be taken against the notice recipients.

5. Previous Application

The Site is not subject to any previous planning application.

6. Similar Applications

6.1 There is a similar application (No. A/YL-TT/352) within the subject “V” zone. Details of the application are summarized in **Appendix II** and the location of the site is shown on **Plan A-1**.

6.2 Application No. A/YL-TT/352 for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years was approved with conditions by the Committee on 21.8.2015 on the grounds that proposed development could serve the parking demand of residents in the nearby villages and the locality; would not jeopardize the planning intention of the “V” zone; not incompatible with the surrounding land uses; unlikely to generate adverse impacts on the surrounding areas; and the concerns of relevant departments could be addressed through the implementation of approval conditions. However, it was revoked due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) located at the fringe of the village cluster of Tai Tong Tsuen (**Plans A-2 and A-3**);
- (b) currently formed and vacant (**Plans A-2 and A-4a and A-4b**); and
- (c) accessible via a local access leading from Tai Tong Road.

7.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas comprise mainly of village houses, parking of vehicles and cultivated agricultural land;
- (b) to its northeast in the adjoining “Agriculture” (“AGR”) zone are a basketball court, a sitting-out area, a village office, a shrine and some residential structures.
- (c) to its immediate southeast and south, there are parking of vehicles. The village houses of Tai Tong Tsuen and Tsz Tong are located in its southeast and south, with the nearest village houses located 10m of the Site. There are some ruins in-between the village houses;

- (d) to its southwest and west, there are parking of vehicles, a apiary, vacant land and fallow agricultural land;
- (e) to its further northwest across Shui Tsiu San Tsuen Road and a nullah, it is the village cluster of Wong Nai Tun Tsuen, a shrine, vacant land and fallow agricultural land;
- (f) to its north, there is open storage of sand. To its further northeast across Shui Tsiu San Tsuen Road and a nullah, in the adjoining “AGR” zone are cultivated agricultural land, residential dwellings/structure and a vacant temporary structure; and
- (g) except for the shrines to its further northeast and northwest which may be tolerated under the Town Planning Ordinance, the parking of vehicles, open storage of sand and apiary in the vicinity are suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

8. Planning Intention

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 summarized as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Site is accessible to Tai Tong Road via Government land (GL) and private land. Her office does not provide maintenance works for the GL involved and does not guarantee any right-of-way to the Site.

- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) According to her record, there is no Small House (SH) application within and in the vicinity (i.e. within 30m) of the Site.
- (e) Should planning approval be given to the planning application, the lot owner(s) will need to apply to her office to permit structures to be erected or regularize any irregularities on site. Such application(s) will be considered by her department acting in the capacity as 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 her department.

Traffic

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

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

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

- (a) The access arrangement should be commented by the Transport Department (TD).
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains.
- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Road.

Environment

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

- (a) With respect to the public concern on the potential environmental pollution caused by the proposed carpark, the applicant is

reminded to properly design and maintain the proposed car park to minimize the nuisance to the surroundings.

- (b) The applicant is advised to follow the relevant mitigation measures and requirement in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisance.
- (c) There is no environmental complaint case related to the Site in the past three years.

Drainage

9.1.6 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 public drainage point of view.
- (b) The detailed comments on the submitted drainage proposal (**Drawing A-4**) are at **Appendix III**.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a revised drainage proposal and the implementation and maintenance of drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

9.1.7 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.
- (c) However, 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):

The applicant's attention is drawn to the following points:

- (i) 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (ii) For UBW erected on leased land, enforcement action may be taken by the BD to effect 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.
- (iii) 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 (B(P)R) respectively.
- (iv) 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 B(P)R at the building plan submission stage.

District Officer's Comments

9.1.9 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.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Project Manager (West), CEDD (PM(W), CEDD); and
- (e) Commissioner of Police (C of P).

10. Public Comment Received During the Statutory Publication Period

On 22.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 13.7.2018, seven public comments (**Appendices IV-1 to IV-7**) were received from members of the public. A commenter (**Appendix IV-1**) objecting to the application on the grounds that the Site could be used for temporary housing; long term use as parking facilities would have negative impact on the quality of the environment; and at grade parking is an inefficient use of land; while the others (**Appendices IV-2 to IV-7**) objecting to the application on the grounds that the proposed public vehicle park located at the entrance of their village, which aims to serve outsiders rather than the villagers; and the proposed use would bring traffic safety, law and order, as well as environmental problems to their village.

11. Planning Considerations and Assessments

- 11.1 The subject application is for temporary public vehicle park for private cars and light goods vehicles to serve the parking demand in the area for a period of 3 years at a Site zoned “V” on the OZP. The proposed use is not entirely in line with the planning intention of the “V” zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion, and for development of SH by indigenous villagers. Nonetheless, DLO/YL of LandsD advises that there is no SH application approved or under processing within the Site at present. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The proposed development is considered not incompatible with the surrounding land uses comprising predominantly village houses, parking of vehicles and cultivated agricultural land (**Plan A-2**).
- 11.3 The concerned government departments consulted, including DEP, C for T, CHE/NTW of HyD and C of P have no objection to or adverse comment on the application. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.4 Given a similar application for the same use (No. A/YL-TT/352) has been approved by the Committee in the subject “V” zone on 21.8.2015, approval of the current application is in line with the Committee’s previous decision.
- 11.5 There are seven public comments (**Appendices IV-1 to IV-7**) received and their objection grounds are summarised in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary public vehicle park for private cars and light goods vehicles could be tolerated for a period of 3 years.
- 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 3.8.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) Only private cars and light goods vehicles, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on 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 only private cars and light goods vehicles, 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 repairing, dismantling or other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no open storage activity, as proposed by the applicant, 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 public road at any time during the planning approval period;
- (g) the provision of boundary fence on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 3.2.2019;
- (h) 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 3.2.2019;
- (i) in relation to (h) 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 3.5.2019;
- (j) in relation to (i) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (k) 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 3.2.2019;
- (l) in relation to (k) 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 3.5.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (j) 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;
- (n) if any of the above planning conditions (g), (h), (i), (k) or (l) 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
- (o) 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.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

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. The development is not in line with the planning intention of the "V" zone. 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 received on 13.6.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 20.7.2018 clarifying the ingress/egress at Shui Tsiu San Tsuen Road will be fenced off
Appendix Ic	Further Information received on 24.7.2018 undertaking the applicant will remove the materials overlaid around the abandoned ingress/egress and reinstate the footpath and the kerb side
Appendix II	Similar application within the subject “V” Zone on the Tai Tong OZP No. S/YL-TT/16
Appendix III	Detailed Comments of Chief Engineer/Mainland North, Drainage Services Department
Appendices IV-1 to IV-7	Public comments received during the statutory publication period
Appendix V	Recommended advisory clauses
Drawing A-1	Plan showing the vehicular access leading to the Site
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Landscape Plan
Drawing A-4	Proposed 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
AUGUST 2018**