

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/463

- Applicant** : Mr. YUEN Hon Wah represented by Metro Planning and Development Company Limited
- Site** : Lots 3338, 3339 S.H ss.1 to ss.4, 3339 S.H. ss.5 (Part), 3339 S.H RP (Part), 3339 S.I ss.1 to ss.4, 3339 S.I ss.5 (Part), 3339 S.I ss. 6 to ss. 9, 3339 S.I ss.10 (Part), 3339 S.I RP (Part), 3339 S.J ss.1 to ss.8, 3339 S.J ss.9 (Part), 3339 S.J RP (Part), 3339 S.K ss.1 to ss.2, 3339 S.K ss.3 (Part), 3339 S.K ss.4, 3339 S.K ss.5 (Part), 3339 S.K ss.6 to ss.11, 3339 S.K RP (Part), 3339 S.L ss.3 to ss.8 and 3339 S.L RP (Part) in D.D. 116, Nga Yiu Tau, Yuen Long, New Territories
- Site Area** : 1,040 m² (about)
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “Residential (Group D)” (“R(D)”) (about 99.6%)
[Restricted to a maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]

“Village Type Development” (“V”) (about 0.4%)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Cars and Van-type 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 (private cars and van-type light goods vehicles (LGV)) for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP for the “R(D)” 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 occupied by the applied use without valid planning permission (**Plans A-2 and A-4a to A-4b**).

- 1.2 The Site is the subject of three previous planning applications (No. A/YL-TT/274, 377 and 452) (**Plan A-1b**). The relevant previous planning application No. A/YL-TT/377 for temporary public vehicle park (private cars and van-type LGV) was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 13.5.2016. The applicant subsequently reviewed the Committee’s decision so as to extend the operation hours to 24-hours daily, which was approved by the Board on review on 2.9.2016. All the time-limited conditions have since been complied with and the permission has lapsed on 14.5.2019. Details of the previous applications are at paragraph 5 below and **Appendix II**.
- 1.3 According to the applicant, the public vehicle park is intended to serve the nearby residents and villagers of Nga Yiu Tau. Only private cars and van-type LGV not exceeding 1.9 tonnes will be allowed to enter/be parked at the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to park at the Site. No vehicle repairing, dismantling, car beauty, car washing or other workshop activities will be carried out at the Site. The applicant also pledges to maintain all existing trees and drainage facilities at the Site at his own expense. Plans showing the vehicular access leading to the Site, site layout, landscape proposal and drainage proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the relevant previously approved application (No. A/YL-TT/377) and the current application are the same and summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/377	Current Application No. A/YL-TT/463
Proposed Use	Temporary Public Vehicle Park (Private Cars and Van-type LGV) for a Period of 3 Years	
Site Area	About 1,040 m ²	
Total Floor Area (Non-domestic)	Nil	
No. of Structures	Nil	
Parking Spaces (5m x 2.5m each)	28 (for private cars and van-type LGV not exceeding 1.9 tonnes)	
Operation Hours	24-hours daily	

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

- (a) Application Form received on 19.3.2019 (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Further Information received on 6.6.2019 including a revised layout plan, a revised landscape and tree preservation plan and land registry record to revise the parking spaces and to clarify the land ownership status (**Appendix Ib**)

[accepted and exempted from publication and recounting]

requirements]

- 1.6 On 17.5.2019, the Committee agreed to defer a decision on the application for two months as requested by the applicant's representative. On 6.6.2019, further information (**Appendix Ib**) was received and the application is submitted to the Committee for consideration 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 Ia**. They can be summarised as follows:

- (a) All approval conditions for the previous application A/YL-TT/377 had been complied with. While a planning application for four proposed houses (No. A/YL-TT/452) has recently been approved at the Site, given that the associated land exchange would take several years to complete, the proposed temporary use could make best use of available land instead of being left idle.
- (b) The proposal could help meet the demand for public parking of private cars and van-type LGV at Nga Yiu Tau. It could also help alleviate on-street parking in the area. The applied vehicle park is the only public vehicle park available to the residents of Nga Yiu Tau.
- (c) The applied use is in line with the planning intention of the "R(D)" zone and is compatible with the surrounding environment. There are similar approvals for temporary public vehicle park use in other "R(D)" and "V" zones in Yuen Long District. Besides, the assessments undertaken confirmed that there would be no significant adverse landscape and drainage impact on the surrounding areas. Thus, the Board is requested to give similar treatment to the current application.
- (d) A number of ameliorative/preventive measures, including installation of 'No honking sign', provision of signage stating the types of vehicles allowed at the Site, and hard paving, etc., are proposed. The proposed development would not generate excessive noise as the starting of engines is short-lived and infrequent. The applied use will not generate significant environmental or noise disturbance to the nearby residents.
- (e) The development will not generate significant amount of traffic and will not affect the local traffic conditions. No new traffic will be generated as there is no major development in the proximity of the Site except for the existing village houses. Sufficient circulating space is provided in-situ to allow smooth internal movement of vehicles. No vehicle queuing would be allowed outside the Site.

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. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in three previous applications (No. A/YL-TT/274, 377 and 452). Apart from the former application for proposed utility installation for private project (electricity package substation) and excavation of land at the northern tip of the Site, the remaining applications for temporary public vehicle park (private cars and van-type LGV) and proposed houses respectively were submitted by the same applicant as the current application. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1b**.
- 5.2 A minor portion at the northern tip of the Site was involved in a previous application (No. A/YL-TT/274) for proposed utility installation for private project (electricity package substation) and excavation of land which was approved with conditions by the Committee on 23.12.2010. The approved scheme was not implemented and the planning permission lapsed on 24.12.2014.
- 5.3 Application No. A/YL-TYST/377 for temporary public vehicle park (private cars and van-type LGV) for a period of 3 years covering the same site as the current application was approved with conditions by the Committee on 13.5.2016 mainly on considerations that the proposal was not incompatible with the surrounding land uses; and that significant environmental, traffic and drainage impacts on the surroundings were unlikely. On 16.6.2016, the applicant applied, under section 17(1) of the Town Planning Ordinance, for a review of the Committee's decision to impose approval condition restricting the operation hours of the subject site under approval condition (a). The applicant sought to waive the restriction to allow vehicles to be parked on Site on a 24-hour and daily basis to cater for the needs of the local villagers/residents. The Board subsequently approved the s.17 review on 2.9.2016 and the permission had lapsed on 14.5.2019.
- 5.4 The last application (No. A/YL-TT/452) for four proposed houses covering a larger site was approved with conditions by the Committee on 18.1.2019 mainly on considerations that the proposal was generally in line with the planning intention of the "R(D)" zone, the proposal was relatively small scale and not incompatible with the surrounding areas which is rural residential in character. The approved scheme has yet to be implemented and the permission is valid until 18.1.2023.
- 5.5 Compared with the last relevant previous application (No. A/YL-TT/377), the current application is submitted by the same applicant for the same use on the same site with largely the same site layout and parameters.

6. Similar Application

There is no similar application within the subject “R(D)” zone.

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

7.1 The Site is:

- (a) accessible from Tai Shu Ha Road East to its west via a local track (**Plan A-3**);
- (b) formed, hard paved and largely fenced off; and
- (c) currently occupied by the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) comprise mainly rural residential dwellings/structures intermixed with fallow/cultivated agricultural land, vacant land/structures, orchard, parking of vehicles and storage yards;
- (b) residential dwellings of Nga Yiu Tau are located to the east and south of the Site within the subject “V” zone with the nearest one located to the immediate east (about 5m) segregated by a local track. Parking of vehicles can be found to the immediate south of the Site;
- (c) to the north and west of the Site within the “R(D)” zone are mainly fallow/cultivated agricultural land with scattered residential structures; and
- (d) except for the parking of vehicles to the further north of the Site, the aforementioned parking of vehicles and storage yards in the vicinity of the Site are mostly suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improving and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

Land Administration

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

- (a) The Site comprises of 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) The Site is accessible from Tai Shu Ha Road East via Government land (GL) and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the subject planning application, the lot(s) owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above 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 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) He has no further comment on the application, the Further Information (**Appendix Ib**) submitted and the relevant public comments (**Appendices III-2 to 5**) received.
- (b) 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.
- (c) 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.
- (d) 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) He has no comment on the public comments (**Appendices III-2 to 5**) from highways maintenance point of view.
- (b) His department does not and will not maintain any access connecting the Site and Tai Shu Ha Road East. The applicant should be responsible for his own access arrangement.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

Environment

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

- (a) No environmental complaint concerning the Site was received in the past 3 years.
- (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 Storage Sites” (Code of Practice) issued by the Environmental Protection Department to minimise any potential environmental nuisance.

Landscape

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

With reference to the aerial photo of 2018, the applied use is already in operation. Existing vegetation is observed along the west of the Site. In view of previous approved application No. A/YL-TT/377 for temporary public vehicle park use, significant change arising from the applied use is not envisaged.

Drainage

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

- (a) Based on the planning statement (**Appendix Ia**), apparently the applicant would maintain the same drainage facilities as those implemented under the previous planning application (No. A/YL-TT/377). In view of the above, he has no objection in principle to the proposed development.
- (b) Should the Board consider that the planning application is

acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TT/377 and the submission of records of the existing drainage facilities on Site 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 (FSI) 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 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 FSI 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 (BO) (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):

Noting that there is no proposed building works on the Site, he has no comment under the BO.

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, regarding the application.

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

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

10. Public Comments Received During the Statutory Publication Period

On 26.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 16.4.2019, 6 public comments were received. Apart from a no comment from a Yuen Long District Councillor (**Appendix III-1**), the four comments from local public (**Appendix III-2 to III-5**) raised concerns that the boundary fencing of the Site had led to the narrowing of a local track, making it dangerous for pedestrian to use the track and suggested the boundary fencing be setback from the Site boundary. The remaining public comment (**Appendix III-6**) objected the application and urged the Site to be used for the intended residential use.

11. Planning Considerations and Assessments

- 11.1 The subject application is for temporary public vehicle park (private cars and van-type LGV) for a period of 3 years at a site mainly zoned “R(D)” (about 99.6%) with negligible portion encroaching onto the adjoining “V” zone (about 0.4%) on the OZP (**Plan A-1a**). Although the applied use is not entirely in line with the planning intention of the “R(D)” zone, which is primarily for improving and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low density residential developments, the proposed use could meet any such demand for parking in the area. The last application (No. A/YL-TT/452) for four proposed houses was approved with conditions by the Committee on 18.1.2019, with validity up to 18.1.2023. According to the applicant, the associated land exchange to effect the approved houses would take several years to complete, the subject proposed temporary use could make best use of available land instead of being left idle during the interim. As such, approval of the temporary public vehicle park (private cars and van-type LGV) for three years would not frustrate the long-term planning intention of the area.
- 11.2 The proposed development is considered not incompatible with the surrounding land use which is generally rural residential in nature intermixed with agricultural land and some scattered vehicle parks (**Plan A-2**).
- 11.3 There is no adverse comment on the application from concerned government departments and significant adverse traffic, environmental and drainage impacts on the surrounding area are not envisaged. C for T and CHE/NTW, HyD also have no comment on the condition of the adjoining local track. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the technical requirements of the concerned departments and to minimise any possible environmental concerns arising from the applied use. Any

non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest Code of Practice in order to minimise any potential environmental impact.

- 11.4 Given that one previous application (No. A/YL-TT/377) for the same use has been approved, approval of the subject application is considered in line with the Committee's previous decision.
- 11.5 There are six public comments including five comments either raising objection or concerns as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 2.8.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) only private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site, as proposed by the applicant, 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 should be posted at a prominent location of the Site at all times to indicate that only private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance are allowed to be parked/stored on the Site, as proposed by the applicant, during the planning approval period;
- (d) no vehicle repairing, dismantling, commercial car beauty / car washing or other workshop activities, as proposed by the applicant, are allowed 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) all existing trees within the Site shall be maintained at all times during the

planning 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 records of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.11.2019;
- (i) 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 2.2.2020;
- (j) in relation to (i) above, the implementation of 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 2.5.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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.

Advisory clauses

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

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

The development is not in line with the planning intention of the "R(D)" zone which is primarily for improving and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low density residential developments. No strong planning justification has been given in the submission to justify 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 19.3.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 6.6.2019 including a revised layout plan, a revised landscape and tree preservation plan and land registry record to revise the parking spaces and to clarify the land ownership status
Appendix II	Previous Applications covering the Application Site
Appendices III-1 to III-6	Public Comments received during the statutory publication period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Landscape Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2019**