

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/486

- Applicant** : Mr. HO Kwok Yau represented by Metro Planning and Development Company Limited
- Site** : Lots 1080 (Part) and 1081 RP (Part) in D.D. 117 and Adjoining Government Land (GL), Wong Nai Tun Tsuen, Yuen Long, New Territories
- Site Area** : 1,152 m² (about) (including about 81.62 m² of GL)
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Public Vehicle Park for Private Car for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park for private car for a 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 which requires planning permission from the Town Planning Board (the Board). The Site is currently hard paved and largely vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the proposal is intended to serve the nearby villagers of Wong Nai Tun Tsuen. Only private cars 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 open storage, vehicle repairing, dismantling or other workshop activities will be carried out at the Site. The applicant also pledges to provide trees and drainage facilities at the Site at his own expense. Plans showing the site layout, landscape proposal and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Proposed Use	Proposed Temporary Public Vehicle Park for Private Car for a Period of 3 Years
Site Area	About 1,152 m ² (including about 81.62 m ² of GL)
Total Floor Area (Non-domestic)	Nil
No. of Structures	Nil
Parking Spaces (5m x 2.5m each)	24 (for private cars)
Operation Hours	24-hours daily

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

- (a) Application Form received on 11.9.2019 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Supplementary Information received on 12.9.2019 **(Appendix Ib)** clarifying the area of the adjoining GL
- (d) Further Information (FI) received on 21.10.2019 **(Appendix Ic)** clarifying the number of car parking spaces
[accepted and exempted from publication and recounting requirements]

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) The proposal could help meet the demand for car parking for the nearby villagers. The Site was occupied for public vehicle park use for a long period of time. The current application is intended to regularise the use. The Site is the only public vehicle park currently available to the residents of Wong Nai Tun Tsuen.
- (b) The applied use is in line with the planning intention of the “V” zone and is compatible with the surrounding environment. There are similar approvals for temporary public vehicle park use in other “V” zones in Yuen Long District. Besides, the assessments undertaken confirmed that there would be no significant adverse landscape and drainage impacts on the surrounding areas. Thus, the Board is requested to give similar treatment to the current application.
- (c) 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 proposal 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. The applicant will 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) as appropriate.

- (d) The development will not generate significant amounts 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.

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 the application at the Site and sending the notice to the Shap Pat Heung Rural Committee through registered post. 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

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application within the subject “V” zone.

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

7.1 The Site is:

- (a) abutting Wong Nai Tun Tsuen Road to its east; and
- (b) hard paved and largely vacant.

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

- (a) predominantly rural residential in nature intermixed with car park/parking of vehicles, vacant land/structures and agricultural land, with scattered open storage/storage yards, a refuse collection point, a latrine and an orchard;

- (b) there are residential dwellings in the vicinity;
- (c) to the east of the Site is an open nullah flanked by Wong Nai Tun Tsuen Road and Kiu Hing Road; and
- (d) the aforementioned car park/parking of vehicles and open storage/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 “V” zone is to designate both existing recognised 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 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 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) No permission is given for occupation of GL (about 81.62 m² subject to verification) included in the Site. Attention should be drawn to the fact that any occupation of GL without Government’s prior approval is not allowed. With the implementation of the tightened arrangements for handling regularisation applications, her department will no longer accept application for regularisation of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28.3.2017.
- (c) The Site is accessible from Wong Nai Tun Tsuen Road via GL. Her office provides no maintenance work for the GL involved

and does not guarantee any right-of-way over the GL to the Site.

- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) No Small House applications have been received/under processing within the Site.
- (f) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. 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. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. 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 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 land status of the access road/path/track leading to the Site from Wong Nai Tun Tsuen Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) If the proposed access arrangement is agreed by the Transport Department (TD), a proper road connection or run-in/out should be constructed to the satisfaction of TD and his department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water running from the Site to nearby

public roads and drains.

- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Wong Nai Tun Tsuen Road.

Environment

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

- (a) With respect to the public concern on air pollution and noise nuisance from the proposed public vehicle park (**Appendix II-4**), he notes that the Site had been occupied by the applied use. According to the complaint record, no substantiated environmental complaint concerning the Site was received in the past 3 years. According to the supplementary planning statement (**Appendix Ia**), the vehicle park is intended for parking of private car only and no vehicles other than private car will be allowed to enter the Site. If the application is approved, planning condition should be imposed to control the type of vehicle entering the Site.
- (a) The applicant is advised to follow the relevant mitigation measures and requirement in the latest Code of Practice issued by the Environmental Protection Department to minimise any potential environmental nuisance, in particular the air and noise mitigation measures as specified in Annex I of the Code of Practice, namely the Site particularly the access area at the site frontage and 5m strip of the area beyond the access gate should be properly paved or hard-surfaced to avoid any fugitive dust impacts due to vehicle movements; and noise generating activities should be located away as far as possible from any noise sensitive receivers. In addition, measures should be adopted as far as practicable in order to minimise the noise nuisance, namely the erection of 2.5m solid boundary wall; and prohibition of any noisy operations during sensitive hours (i.e. 11 p.m. to 7 a.m.). Furthermore, it is the obligation of the applicant to comply with all relevant ordinances in Hong Kong.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) However, he has the following comments on the submitted drainage proposal (**Drawing A-3**):
 - (i) The Site occupies the frontage of the watercourse. As overland flow would be passing through the Site, the

applicant should provide an additional drainage outlet as an alternative route for the discharge in view of the importance of the drainage facilities of the Site.

- (ii) The details with cross section of the proposed hoarding/peripheral wall should be provided for comment and they should not obstruct overland flow from adjacent lots.
 - (iii) The invert levels of the proposed catchpits should be shown on the drainage plan for reference.
 - (iv) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
 - (v) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (vi) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
- (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 the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

9.1.6 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 (FSI) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Others

9.1.7 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation" (the Study). According to the Recommended Outline Development Plan of YLS promulgated on 8.8.2017, the Site mainly falls outside the development area of YLS, and partly falls within an area shown as "Proposed Road Improvement Works (Subject to Further Studies)".
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

9.1.8 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) He has no objection to the subject application.
- (b) Based on the preliminary project boundary of the proposed YLS Development, the Site falls within the preliminary project boundary of the proposed YLS Development – Stage 2. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong. The applicant shall be reminded that extension of the planning permission may not be supported in future when the detailed implementation programme of works in the Site under YLS Development – Stage 2 is formulated.

District Officer's Comments

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

Her office has not received any comment, from the village representatives in the vicinity, regarding the subject application.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

- 10.1 On 20.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 11.10.2019, a total of 35 public comments were received.
- 10.2 Of the 35 public comments received, 33 were supporting comments made on two standard letters (samples of which are at **Appendices II-1 and II-2**) from the local public, supporting the application on the grounds that the proposed development would help meet the local demand for car parking spaces in view of the insufficient public transport in the area; mitigate the existing problem of illegal parking in the neighbourhood; and that the Site should be put to such use to the benefit of local villagers, etc.
- 10.3 The remaining 2 public comments were made by members of the general public (**Appendices II-3 and II-4**) objecting to the application on the grounds that the proposed development is not in line with the planning intention of the “V” zone which should be used for village housing; approval of the application would set an undesirable precedent; and there is insufficient information to demonstrate that there would be no adverse traffic impact, environmental impacts and safety hazards arising from the proposal, etc.

11. Planning Considerations and Assessments

- 11.1 The subject application is for proposed temporary public vehicle park for private car for a period of 3 years at a site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, which is primarily intended for development of Small Houses by indigenous villagers, the proposal could meet any such demand for parking in the area. According to DLO/YL, LandsD, there is currently no Small House application approved/under processing at the Site. As such, approval of the application for a temporary period of 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 area which is predominantly rural residential in nature, intermixed with car park/parking of vehicles, vacant land/structures and agricultural land.
- 11.3 Relevant government departments consulted, including DEP, C for T, CHE/NTW, HyD and C of P have no objection to/no adverse comment on the application. Significant adverse traffic, environmental and drainage impacts on the surrounding area are not envisaged. Furthermore, relevant approval

conditions are recommended in paragraph 12.2 to address the public concerns, the technical requirements of the concerned departments, as well as to minimise any possible environmental concerns arising from the proposal. 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 on the surrounding area.

- 11.4 There are 35 public comments received on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 1.11.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) only private cars 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, 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 honking' signs shall be provided on the Site at all times, as proposed by the applicant, during the planning approval period;
- (e) no open storage, vehicle repairing, dismantling or other workshop activities, as proposed by the applicant, are 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 submission of a run-in/out proposal within **6** months from the date of

the planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 1.5.2020;

- (h) in relation to (g) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 1.8.2020;
- (i) 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 1.5.2020;
- (j) in relation to (i) above, the implementation of the 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 1.8.2020;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) 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 1.5.2020;
- (m) in relation to (l) 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 1.8.2020;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (k) 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
- (o) if any of the above planning conditions (g), (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

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

the development is not in line with the planning intention of the "V" zone, which is primarily intended for development of Small Houses by indigenous villagers. 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 11.9.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 12.9.2019 clarifying the area of the adjoining GL
Appendix Ic	FI received on 21.10.2019 clarifying the number of parking spaces
Appendix II-1 to II-4	Public Comments received during the statutory publication period
Appendices III	Recommended Advisory Clauses
Drawing A-1	Proposed Site Layout Plan
Drawing A-2	Proposed Landscape Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2019**