

RNTPC Paper No. A/YL-TT/491A
For Consideration by
the Rural and New Town
Planning Committee
on 1.9.24.7.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/491

- Applicant** : Mr. LEE Wai-chiu represented by Land Chartering Limited
- Site** : Lot 1213 (Part) in D.D.117, Tai Tong Tsuen, Yuen Long, New Territories
- Site Area** : 2,100 m² (about)
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plans** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17 (currently in force)

Approved Tai Tong OZP No. S/YL-TT/16 (at the time of submission)
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
[The zoning and development restrictions remain unchanged on the current OZP]
- Application** : Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (LGVs) 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 LGVs 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 occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site was the subject of a previous application (No. A/YL-TT/434) on the same site, submitted by a different applicant, for the same use as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 3.8.2018 for a period of 3 years. However, the planning approval was revoked on 3.2.2019 due to non-

compliance with time-limited approval conditions. Details of the previous application are at paragraph 5 below and **Appendix II**.

1.3 According to the applicant, the proposal is intended to serve the nearby villagers and their visitors. Some parking spaces for LGVs are proposed as some of the villagers are drivers of LGVs. No open storage, vehicle repairing, loading and unloading, dismantling and workshop use will be carried out at the Site. The applicant pledges to provide proper drainage facilities, landscaping, entrance gates and boundary fencing 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 previously approved application and the current application are the same and summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/434	Current Application No. A/YL-TT/491
Applied Use	Temporary Public Vehicle Park for Private Cars and LGVs for a Period of 3 Years	
Site Area	2,100 m ² (about)	
Total Floor Area (Non-domestic)	40 m ² (about)	
No. and Height of Structures	2 <ul style="list-style-type: none">• one for toilet and guard room (not exceeding 3m, 1 storey)• one for cashier office (not exceeding 3m, 1 storey)	
No. of Parking Spaces	58 nos. parking spaces (53 nos. for private car and 5 nos. for LGV)	
Operation Hours	24 hours daily	

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

- (a) Application Form with plans and photos received on **(Appendix I)** 23.12.2019
- (b) Further Information (FI) received on 20.4.2020 **(Appendix Ia)** responding to the comments of the Transport Department (TD) and the Drainage Services Department (DSD), as well as enclosing a fire prevention report
- (c) FI received on 27.5.2020 responding to the **(Appendix Ib)** comments of TD
- (d) FI received on 3.7.2020 responding to the comments **(Appendix Ic)** of TD
- (e) FI received on 8.7.2020 responding to the comments **(Appendix Id)** of DSD

- (f) FI received on 10.7.2020 responding to the (**Appendix Ie**) comments of DSD

[(b) to (f) accepted and exempted from publication and recounting requirements]

1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meetings originally scheduled for 21.2.2020 and 30.3.2020 for consideration of the application have been rescheduled, and the Board has agreed to defer consideration of the application.

1.7 On 26.5.2020, the Committee agreed to defer a decision on the application for 2 months, as requested by the applicant. On 27.5.2020, 3.7.2020, 8.7.2020 and 10.7.2020, FIs were received ~~and the application is submitted to the Committee for consideration at this meeting.~~ *In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Committee at this meeting.*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form and Executive Summary at **Appendix I** and FIs at **Appendices Ia to Ie**. They can be summarised as follows:

- (a) The Site was the subject of a previous application (No. A/YL-TT/434) which was approved with conditions by the Committee on 3.8.2018. However the planning approval was revoked on 3.2.2019 due to non-compliance with conditions by the ex-tenant. The applicant is the new tenant of the Site.
- (b) There is a well-constructed open ground drainage channel, which is maintained by the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD), at the site periphery for collecting the storm-water.

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 obtaining consent of the 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 Application

5.1 The Site was the subject of a previous application (No. A/YL-TT/434) for the same use as the current application, which was approved with conditions by the Committee on 3.8.2018 for a period of 3 years mainly on the considerations that

the proposed use would serve the parking demand in the area; not jeopardise 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, the planning permission was subsequently revoked on 3.2.2019 due to non-compliance with time-limited approval conditions on the provision of boundary fence, and submission and implementation of drainage and fire service installations (FSIs) proposals. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

- 5.2 Compared with the last application, the current application is submitted by a different applicant on the same site for the same use with the same site layout and development parameters.

6. Similar Application

There is one similar application for the same use as the current application (No. A/YL-TT/352) within the subject “V” zone, which was approved with conditions by the Committee on 21.8.2015 on similar grounds as mentioned in paragraph 5.1. However, the planning permission was revoked on 21.5.2016 due to non-compliance with approval conditions. Details of the application are summarised in **Appendix III** and the location of the site is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) located at the northern fringe of the village cluster of Tai Tong Tsuen;
- (b) formed and hard paved; 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 of village houses intermixed with parking of vehicles, ruins, a shrine, a Tsz Tong, a storage and agricultural land within the subject “V” zone;
- (b) to its northeast and north in the adjoining “Agriculture” zone are a basketball court, a sitting-out area, a village office, some residential structures, agricultural land and vacant land;
- (c) there are residential structures in the vicinity with the nearest ones located 10m to the south of the Site; and
- (d) the parking of vehicles and storage use in the vicinity are mostly suspected

unauthorised development (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 comments on the application 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 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) Should planning approval be given to the planning application, the lot owner(s) will need to apply to her office for permitting 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. 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.
- (c) No Small House applications have been received/under processing within the Site.

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 Shui Tsiu San 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) Subject to TD's agreement to the vehicular access arrangement, the applicant should construct a run in/out at Shui Tsiu San Tsuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Shui Tsiu San Tsuen Road.

Environment

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

- (a) There was no environmental complaint concerning the Site received in the past three years.
- (b) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (Code of Practice) issued by the Environmental Protection Department to minimise any potential environmental nuisances on the surrounding area.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) The applicant should note the detailed comments on the submitted drainage proposal at **Appendix V**.
- (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 FSIs being provided to his satisfaction. Furthermore, the FSIs proposal attached to the application (**Appendix Ia**) is considered acceptable to him.
- (b) The applicant should note the detailed comments at **Appendix V**.

Building Matters

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

The applicant should note the detailed comments at **Appendix V**.

District Officer's Comments

9.1.8 Comments of DO(YL), HAD:

His office has not received any locals' comment on the subject application and have no comment from departmental point of view.

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 Comment Received During the Statutory Publication Period

On 3.1.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual (**Appendix IV**) alleging that the Site is being occupied by UD.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary public vehicle park for private cars and LGVs for a period of 3 years at a site zoned “V” on the OZP. Although the applied 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 applied use is considered not incompatible with the surrounding area which is predominantly rural residential in nature (**Plan A-2**).
- 11.3 Relevant government departments consulted, including C for T, CHE/NTW, HyD, DEP and CE/MN, DSD have no in-principle 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 technical requirements of the concerned departments. 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 The Site was the subject of a previous application (No. A/YL-TT/434) on the same site for the same applied use with the same layout as the current application albeit submitted by a different applicant. The planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on the provision of boundary fence, submission and implementation of drainage and FSIs proposals. For the current application, the applicant claimed that he is the new tenant of the Site and the applicant has submitted landscaping, drainage and FSIs proposals, of which the FSIs proposal is accepted by D of FS. In view of the above, sympathetic consideration may be given to this application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. Furthermore, the applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application. Given that one previous and one similar applications in the same “V”

zone have been approved by the Committee, approval of the subject application is generally considered in line with the Committee's previous decisions.

- 11.5 There is one public comment received on the application 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 comment 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 1.924.7.2023. 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, 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 Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) no open storage, vehicle repairing, loading and unloading, dismantling or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of boundary fencing on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 1.1224.10.2020;
- (f) the submission of a run-in/out proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 1.1224.10.2020;
- (g) in relation to (f) above, the implementation of the run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 1.324.1.2021;
- (h) the submission of a revised drainage proposal 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 1.1224.10.2020;

- (i) in relation to (h) above, the implementation of the 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 1.324.1.2021;
- (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 implementation of the accepted 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 1.324.1.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d) 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; and
- (m) if any of the above planning conditions (e), (f), (g), (h), (i) or (k) 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 V**.

- 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 with plans and photos received on 23.12.2019
Appendix Ia	FI received on 20.4.2020
Appendix Ib	FI received on 27.5.2020
Appendix Ic	FI received on 3.7.2020
Appendix Id	FI received on 8.7.2020
Appendix Ie	FI received on 10.7.2020
Appendix II	Previous Application covering the Site
Appendix III	Similar Application within the subject “V” Zone on the OZP
Appendix IV	Public Comment received during the Statutory Publication Period
Appendix V	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-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
~~SEPTEMBER~~JULY 2020**