

RNTPC Paper No. A/YL-TT/492A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 18.9.2020

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/492**

- Applicant** : Mr. LIM Chin Pang represented by Mr. WONG Sun Wo William
- Site** : Lots 5155 (Part), 5157 (Part), 5161 (Part) and 5162 (Part) in D.D. 116, Shui Tsiu San Tsuen, Yuen Long, New Territories
- Site Area** : 1,655 m<sup>2</sup> (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)
- Zonings** : “Residential (Group D)” (“R(D)”) (about 75%)  
*[Restricted to a maximum plot ratio of 0.4 and maximum building height (BH) of 3 storeys (9m) for the subject use]*  
  
“Village Type Development” (“V”) (about 25%)  
*[Restricted to a maximum BH of 3 storeys (8.23m)]*  
*[The zonings and development restrictions remain unchanged on the current OZP]*
- Application** : Proposed Temporary Public Vehicle Park (Private Cars) 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 (private cars) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “R(D)” and “V” zones, ‘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 paved and vacant (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposal is intended to serve the nearby villagers. Only private cars will be allowed to enter/be parked at the Site and a notice will be posted at the entrance of the Site to indicate such restriction. Vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to

park at the Site. No vehicle repairing, dismantling or other workshop activities will be carried out at the Site. 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.

1.3 The major development parameters of the application are summarised as follows:

Proposed Use	Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years
Site Area	About 1,655 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 45 m <sup>2</sup>
No. and Height of Structures	2 • one for shroff (4.5m, 1 storey) • one for mobile toilet (3.5m, 1 storey)
Parking Spaces	29 (for private cars, including 4 electric vehicle charging spaces) (5m x 2.5m each)
Operation Hours	24 hours daily

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

- (a) Application Form with plans received on 14.2.2020 (**Appendix I**)
- (b) Supplementary Information received on 17.2.2020 (**Appendix Ia**) providing a replacement page of the application form
- (c) Further Information (FI) received on 6.3.2020 (**Appendix Ib**) clarifying the power supply arrangements
- (d) FI received on 13.3.2020 responding to the comments of the Drainage Services Department (DSD) with revised drainage plan (**Appendix Ic**)
- (e) FI received on 27.7.2020 responding to the comments of the Transport Department (TD) with vehicular access plan, trip generation and swept path analysis (**Appendix Id**)
- (f) FI received on 21.8.2020 clarifying the proposed operation (**Appendix Ie**)
- (g) FI received on 8.9.2020 clarifying the operation hours of the proposed vehicle park (**Appendix If**)  
*[(c) to (g) exempted from publication and recounting requirements]*

1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 3.4.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application.

1.6 On 26.5.2020, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision on the application for 2 months, as requested by the applicant. On 27.7.2020, 21.8.2020 and 8.9.2020, FIs were 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 Part 7 of the Application Form at **Appendix I** and FIs at **Appendices Ib to If**. They can be summarised as follows:

The proposal could help meet the increasing demand for parking spaces, particularly electric vehicle parking space, for the nearby villagers. The proposal could in turn promote the use of electric 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 site notice 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 Application**

The Site is not the subject of any previous application.

## 6. **Similar Applications**

6.1 There are 9 similar applications for public vehicle park uses within the same “R(D)” and “V” zones, of which one of them (No. A/YL-TT/5) is within the “R(D)” zone and the remaining eight (No. A/YL-TT/51, 119, 135, 158, 170, 185, 229 and 488) are within the “V” zone. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

6.2 Application No. A/YL-TT/5 for proposed public car park was rejected by the Board on review on 13.10.1995 mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; and there was insufficient information in the submission to demonstrate that the proposal will not cause adverse traffic and visual impacts on the surrounding area.

- 6.3 Application No. A/YL-TT/158 for temporary vehicle repair workshop, parking of private cars/lorries and mini-buses and storage of vehicle parts for a period of 3 years was rejected by the Committee on 17.7.2004 mainly on the grounds that the development was not in line with the planning intention of the “V” zone; the development was not compatible with the residential character of the area; there was no information to demonstrate that the proposal would not generate adverse traffic impacts on the surrounding areas; and approval of the application would set an undesirable precedent.
- 6.4 The remaining seven applications for various temporary public vehicle park uses (No. A/YL-TT/51, 119, 135, 170, 185, 229 and 488) in the “V” zone were all approved with conditions by the Committee between 1999 and 2020 each for a period ranging from 2 to 5 years mainly on similar considerations that the applications could help meet the local parking demand; approval of the applications on a temporary basis would not frustrate the long term planning intention; and the development were not incompatible with the residential character of the area. However, the planning permissions for applications No. A/YL-TT/119 and 170 were subsequently revoked in 2002 and 2005 respectively due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) accessible via a local track leading from Shui Tsiu San Tsuen Road to its west (**Drawing A-1** and **Plan A-2**);
- (b) formed and mainly paved with gravel; and
- (c) currently vacant.

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

- (a) predominantly rural residential in nature intermixed with parking of vehicles, gardens, scattered open storage/storage yards, a warehouse, a hydroponic farm, a sewage pumping station, a shrine and vacant/ unused land;
- (b) there are residential dwellings in the vicinity with the nearest ones to its immediate south and east;
- (c) to its west is the Shui Tsiu San Tsuen Sewage Pumping Station; and
- (d) the aforementioned parking of vehicles, open storage/storage yards and warehouse in the vicinity of the Site are mostly suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## **8. Planning Intentions**

- 8.1 The planning intention of the “R(D)” zone is primarily for improvement 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.
- 8.2 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 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) Should planning approval be given to the planning application, the lots 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. 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 rent or fee, as may be imposed by her department.
  - (c) There is no Small House application approved/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 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 TD, the applicant should construct the 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 substantiated 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 Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

## **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 and no adverse comment on the submitted FI (**Appendix Ic**).

- (b) The applicant should note the detailed comments at **Appendix IV**.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the implementation and maintenance of the agreed 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 (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 be reminded of the detailed comments at **Appendix IV**.

### **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 IV**.

### **Other**

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) The applicant should note the detailed comments at **Appendix IV**.

### **District Officer's Comments**

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

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

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

## **10. Public Comment Received During the Statutory Publication Period**

On 21.2.2020, 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 III**) opining that the Site should be used for housing development and urging the Board to deter inefficient use of land.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary public vehicle park (private cars) for a period of three years at a site zoned “R(D)” (about 75%) and “V” (about 25%) on the OZP. Although the proposed use is not entirely in line with the planning intentions of the “R(D)” and “V” zones, which are primarily intended for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for development of Small Houses by indigenous villagers respectively, 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 there are no known development programmes concerning the Site, approval of the application on temporary basis of three years would not frustrate the long-term planning intentions 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 parking of vehicles and open storage/storage yards, etc. (**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 Given that seven similar applications have been approved within the subject “R(D)” and “V” zones, approval of the current application is generally in line with the Committee’s previous decisions. There were two similar applications rejected by the Committee mainly on the grounds, amongst others, that the



permanent proposal was not in line with the planning intention of the “R(D)” zone and there were potential adverse traffic impacts on the surrounding area. However, such considerations are generally not applicable to the current application as the current proposal is for a temporary public vehicle park for three years and C for T has no adverse comments on the current application.

- 11.5 There is one public comment received on the application during the statutory publication period 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 18.9.2023. 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) 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;
- (c) no vehicle without valid licences issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no 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;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of boundary fencing 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 18.3.2021;
- (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 18.3.2021;

- (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 18.6.2021;
- (i) the implementation of the accepted drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.3.2021;
- (j) 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 18.3.2021;
- (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 18.6.2021;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) 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
- (n) if any of the above planning conditions (f), (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.

#### 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 intentions of the "R(D)" and "V" zones, which are primarily intended for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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**

<b>Appendix I</b>	Application Form with plans received on 14.2.2020
<b>Appendix Ia</b>	Supplementary Information received on 17.2.2020
<b>Appendix Ib</b>	FI received on 6.3.2020
<b>Appendix Ic</b>	FI received on 13.3.2020
<b>Appendix Id</b>	FI received on 27.7.2020
<b>Appendix Ie</b>	FI received on 21.8.2020
<b>Appendix If</b>	FI received on 8.9.2020
<b>Appendix II</b>	Similar Applications within the subject “R(D)” or “V” Zones on the OZP
<b>Appendix III</b>	Public Comment received during the Statutory Publication Period
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2020**