

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/511**

- Applicant** : Mr. CHEUNG Kau-on represented by Metro Planning and Development Company Limited
- Site** : Lot 3563 S.C RP (Part) in D.D. 116, Tong Tau Po Tsuen, Yuen Long, New Territories
- Site Area** : 980 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17
- Zoning** : “Village Type Development” (“V”)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary public vehicle park for private car and light goods vehicle (LGV) 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 with valid planning permission under application No. A/YL-TT/420 (**Plans A-2 and A-4**).
- 1.2 The Site involves five previous applications for similar public vehicle park uses (**Plan A-1**). The last application (No. A/YL-TT/420) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 26.1.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid until 27.3.2021. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.
- 1.3 According to the applicant, the proposal is mainly to serve the residents of Tong Tau Po Tsuen. No vehicle dismantling, car beauty, car washing or other workshop

activities will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, and only vehicles with valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site; a notice will be posted at a prominent location of the Site at all times to the former effect. Plans showing the vehicular access leading to the Site, site layout, tree preservation proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TT/420, which are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TT/420</b>	<b>Current Application No. A/YL-TT/511</b>
Applied Use	Temporary Public Vehicle Park for Private Car and LGV for a Period of 3 Years	
Site Area	About 980 m <sup>2</sup>	
Total Floor Area (Non-domestic)	---	
No. and Height of Structures	---	
No. of Parking and Loading/Unloading Spaces	20	
	<i>(Not specified)</i>	- 18 for private car (5m x 2.5m each) - 2 for LGV (7m x 3.5m each)
Operation Hours	24 hours daily	

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

- (a) Application Form with annex and plans received on 17.12.2020 **(Appendix I)**
- (b) Supplementary Information received on 23.12.2020 providing revised plans **(Appendix Ia)**
- (c) Further Information (FI) received on 15.1.2021 providing FSIs proposal with fire certificate and clarifying the operation **(Appendix Ib)**
- (d) FI received on 27.1.2021 clarifying the operation **(Appendix Ic)**  
*[(c) and (d) 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 the Application Form, Supplementary Information and FI (**Appendices I to Ic**). They can be summarised as follows:

- (a) The Site has been the subject of previous planning permissions for public vehicle park uses since 2008. The applicant had complied with all approval conditions imposed to

the last application (No. A/YL-TT/420).

- (b) There are insufficient parking spaces to meet the parking demand in Tong Tau Po Tsuen. Similar planning applications have been approved by the Board.
- (c) The proposal is compatible with the surrounding environment. There will be minimal traffic and environmental impacts arising from the proposal.

### **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. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site involves five previous applications (No. A/YL-TT/223, 286, 331, 349 and 420) for public vehicle park uses covering slightly different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-TT/223, 286 and 331 for temporary public vehicle park (excluding container vehicle) were approved with conditions each for a period of 3 years by the Committee between 2008 and 2014, mainly on the considerations that the proposal would not frustrate the long-term planning intention of the “V” zone; not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the latter planning permission was subsequently revoked in 2014 due to non-compliance with a time-limited approval condition.
- 6.3 Applications No. A/YL-TT/349 and 420 submitted by the same applicant as the current application and for the same use as the current application were approved with conditions each for a period of 3 years by the Committee on 27.3.2015 and 26.1.2018 respectively, mainly on similar considerations as those stated in paragraph 6.2 above. All the time-limited approval conditions under the last application had been complied with and the planning permission is valid until 27.3.2021.

- 6.4 Compared with the last application (No. A/YL-TT/420), the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

## 7. Similar Application

There is one similar application (No. A/YL-TT/148) for temporary private car, lorry and oil tanker park for a period of 3 years, which was rejected the Board on review in 2004 mainly on the grounds that the development was not in line with the planning intention of the “V” zone; incompatible with the surrounding areas; there was no information to demonstrate that the parking of oil tankers would serve local needs; there were potential adverse traffic, visual and drainage impacts; and approval of the application would set an undesirable precedent. Details of the application are summarised in **Appendix IV** and the location of the site is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible via a short local track leading from Tai Shu Ha Road East to its southwest;
- (b) paved and largely fenced off; and
- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TT/420.

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly village houses intermixed with scattered vehicle parks, a storage yard, a real estate agency, an orchard and agricultural land in the subject “V” zone;
- (b) to the southwest across an nullah sided by Tai Shu Ha Road East is an area predominated by warehouses and a storage yard with a residential structure and vacant land/structures zoned “Other Specified Uses” annotated “Rural Use” on the OZP;
- (c) the clusters of village houses of Tong Tau Po Tsuen are located to the immediate north, east and northwest of the Site; and
- (d) the warehouses, storage yards, real estate agency and vehicle parks in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## 9. 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 the 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.

## **10. Comments from Relevant Government Departments**

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

### **Land Administration**

10.1.1 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) It is noted that no structure was proposed under the current application.
- (c) There is no Small House application received or under processing on the Site.

### **Traffic**

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

- (a) The land status of the access road/path/track leading to the Site from Tai Shu Ha Road East shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified 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.

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

- (a) His department shall not be responsible for the maintenance of any access connecting the Site and Tai Shu Ha Road East.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There is no environmental complaint case related to the Site in the past 3 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**

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

- (a) He has no objection in principle to the development.
- (b) Based on the drainage proposal/planning statement enclosed in the application (**Drawing A-4** and **Appendix I**), apparently the applicant would maintain the same drainage facilities as those implemented under previous application A/YL-TT/420.
- (c) Should the Board consider that the 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/420 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**

#### 10.1.6 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

### **District Officer’s Comments**

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

Her office has not received any comments from the village representatives in the vicinity regarding the application.

#### 10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);

- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC).

## **11. Public Comments Received During Statutory Publication Period**

On 29.12.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objected to the application mainly on the grounds that the proposal with additional traffic would lead to adverse environmental and traffic impacts, pose fire safety risks and undermine the living quality and safety of the nearby villagers (**Appendix V-1**). The other individual opined that some land in “V” zone could be rezoned for community facilities and housing purposes (**Appendix V-2**).

## **12. Planning Considerations and Assessment**

- 12.1 The application is for renewal of planning approval for temporary public vehicle park for private car and LGV for a period of 3 years. Although the applied use is not entirely in line with the planning intention of the “V” zone, which is primarily for development of Small Houses by indigenous villagers, the proposal could provide parking spaces to meet any such demand 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 on a temporary basis for three years would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The surrounding areas comprise predominantly village houses intermixed with vehicle parks, warehouses and storage yards (**Plan A-2**). The development is generally not incompatible with the surrounding uses.
- 12.3 The application is generally in line with TPB PG-No. 34C in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TT/420; all the time-limited approval conditions under the previous application No. A/YL-TT/420 had been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 There is no adverse comment on the application from concerned government departments, including C for T, DEP and CE/MN, DSD. Furthermore, relevant approval conditions are recommended in paragraph 13.2 to minimise any potential environmental nuisances or to address the local concerns and technical requirements of other concerned government 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 planning 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 areas.

- 12.5 Given that five previous approvals for public vehicle park uses have been granted to the Site, approval of the current application is generally in line with the Committee's previous decisions.
- 12.6 There were two public comments received on the application during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comments summarised in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 and be renewed from 28.3.2021 to 27.3.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) 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;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (d) no vehicle dismantling, car beauty, car washing and other workshop activities, as proposed by the applicant, is allowed to be carried out 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 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 a condition record of the existing drainage facilities on the



Site within **3** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.6.2021;

- (i) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) 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
- (k) if the above planning condition (h) 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.

*[Approval conditions (a), (b), (c), (d), (e), (g) and (h) are the same as those under the permission for application No. A/YL-TY/420, conditions (f) and (i) have been updated as per the current proposal, and the reinstatement clause is deleted to accord with the department's latest requirements.]*

#### Advisory clauses

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

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

the applied use is not in line with the planning intention of the "V" zone which is intended primarily 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.

## **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

## **15. Attachments**

### **Appendix I**

Application Form with annex and plans received on 17.12.2020

<b>Appendix Ia</b>	Supplementary Information received on 23.12.2020
<b>Appendix Ib</b>	FI received on 15.1.2021
<b>Appendix Ic</b>	FI received on 27.1.2021
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 34C
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Applications within the subject “V” zone on the OZP
<b>Appendices V-1 and V-2</b>	Public Comments received during the Statutory Publication Period
<b>Appendix VI</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>	Tree Preservation Proposal
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Drawing A-5</b>	FSIs Proposal
<b>Plan A-1</b>	Location Plan with Previous and 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  
FEBRUARY 2021**