

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

**APPLICATION NO. A/YL-TYST/1018**

- Applicant** : Mr. MAK Ka Kuen represented by Metro Planning and Development Company Limited
- Site** : Lots 2461 (Part), 2462 RP (Part) and 2464 RP in D.D. 120 and Adjoining Government Land (GL), Lam Hau Tsuen, Yuen Long, New Territories
- Site Area** : 4,300 m<sup>2</sup> (about) (including GL of about 24m<sup>2</sup>)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13 currently in force  
  
Approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Zoning** : “Village Type Development” (“V”)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*  
*[No change to the “V” zone]*
- Application** : Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park for private cars and light goods vehicles (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 vacant and vegetated (**Plans A-2 and A-4**).
- 1.2 The Site involves a previous application (No. A/YL-TYST/901) for proposed temporary place of recreation, sports or culture (hobby farm) which was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 6.7.2018. However, the planning permission was revoked on 6.6.2020 due to non-compliance with approval conditions. Compared with the last application, the current application is submitted by a different applicant for a different use (i.e. public vehicle park) on

a smaller site with different site layout and development parameters.

1.3 According to the applicant, the proposal will mainly serve the parking needs of the residents in Lam Hau Tsuen. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, and no vehicles without valid licences issued under the Road Traffic Ordinance will be allowed to enter/park at the Site. Also, no vehicle repairing or other workshop activities will be carried out at the Site. Furthermore, a site notice will be posted at a prominent location of the Site to restrict the vehicles not owned by residents of Lam Hau Tsuen and medium and heavy goods vehicles to enter/exit the Site. The applicant also pledges that all the proposed trees/drainage facilities within the Site will be provided and maintained 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 current application are summarised as follows:

Site Area	About 4,300 m <sup>2</sup> (including about 24m <sup>2</sup> of GL)
Total Floor Area (Non-domestic)	50 m <sup>2</sup>
No. and Height of Structure	1 • one for site office, meter room and toilet (3m, 1 storey)
No. of Parking Spaces	82 • (for private cars) (5 m x 2.5 m each) 16 • (for LGVs) (7 m x 3.5 m each)
No. of Loading/ Unloading Space	Nil
Operation Hours	24 hours daily

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

- (a) Application Form with annexes and plans received on **(Appendix I)** 27.4.2020
- (b) Supplementary Information received on 28.4.2020 **(Appendix Ia)** providing a vehicular access plan
- (c) Further Information (FI) received on 28.7.2020 providing **(Appendix Ib)** responses to departmental comments as well as revised plans
- (d) FI received on 27.8.2020 responding to departmental **(Appendix Ic)** comments
- (e) FI received on 1.9.2020 responding to departmental **(Appendix Id)** comments

- (f) FI received on 10.9.2020 clarifying the proposed (**Appendix Ie**) operation  
*[(c) not exempted from publication and recounting requirements; (d) to (f) exempted from publication and recounting requirements]*

1.6 On 27.4.2020, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant. On 28.7.2020, FI (**Appendix Ib**) was received and the application is submitted to the Committee for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form, Supplementary Information and FI (**Appendices I to Ie**). They can be summarised as follows:

- (a) The proposal is in line with the planning intention of the “V” zone. No public vehicle park has been approved by the Board in Lam Hau Tsuen. The proposal could accommodate the existing vehicles parked in the uncovered area of Lam Hau Tsuen, which may be regarded as unauthorised development (UD) and subject to planning enforcement action.
- (b) Due to the location of Lam Hau Tsuen, the proposal would only serve the residents of Lam Hau Tsuen. The residents of the nearby village, i.e. Shan Ha Tsuen, are served by a number of approved public vehicle parks. In addition, the village representatives (VRs) of Lam Hau Tsuen have indicated their support for the proposal.
- (c) There will be minimal traffic, environmental and drainage impacts arising from the proposal. The proposal is compatible with the surrounding environment.

## **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 site notice and sending notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## **5. Previous Application**

5.1 The Site involves one previous application (No. A/YL-TYST/901) for proposed temporary place of recreation, sports or culture (hobby farm) which was approved

with conditions for a period of 3 years by the Committee on 6.7.2018, mainly on the considerations that the proposal would not frustrate the long-term planning intention; not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission was revoked on 6.6.2020 due to non-compliance with approval conditions. 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 previous application, the current application is submitted by a different applicant for a different use (i.e. public vehicle park) on a smaller site with different site layout and development parameters.

## **6. Similar Applications**

There are 8 similar applications (No. A/YL-TYST/86, 627, 629, 694, 761, 804, 855 and 1043) for permanent/temporary public vehicle parks with or without shop and services uses in the subject “V” zone, which were all approved with conditions by the Committee between 2000 and 2020 each for a period of 3 years, mainly on similar considerations that the proposals would not jeopardise the long-term planning intention of the “V” zone; not incompatible with the surrounding land uses; and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions under applications No. A/YL-TYST/86, 627 and 804 were revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

## **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 Lam Hi Road to its northeast (**Drawing A-1, Plans A-2 and A-3**);
- (b) mainly vegetated and fenced off; and
- (c) currently vacant.

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

- (a) comprise predominantly village houses intermixed with scattered open storage/storage yards, parking of vehicles, basketball court, sitting-out area, shrine, plant nursery, agricultural land and vacant land/structures;
- (b) the nearest residential structure is located to its south across a local track;
- (c) to the north of the Site is Yuen Long Highway; and
- (d) the open storage/storage yards and parking of vehicles in the vicinity of the Site are suspected 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 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.

## **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 GL and 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 24 m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
- (c) Should planning approval be given to the subject planning application, the lots owners 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant Short Term Tenancy for use of the GL portion. Applications for any of the above will be considered by her department acting in the capacity of the 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.
- (d) 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) He has no further comment on the FI (**Appendix Id**) submitted by the applicant.
- (b) The land status of the access road/path/track leading to the Site from Lam Hi Road shall be checked with the lands authority.
- (c) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (d) 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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Lam Hi Road.

**Environment**

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

- (a) According to his record, one substantiated complaint was received in 2019, which was related to suspected landfilling activity at the Site. No further complaint was received in 2020.
- (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.

**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) He has no adverse comment on the submitted drainage proposal (**Drawing A-4**). Nevertheless, the applicant should be reminded of the detailed comments at **Appendix V**.
- (c) Should the Board consider the application acceptable from the planning point of view, approval conditions requiring the

implementation and maintenance of the agreed drainage proposal 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 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**.

### **Long-Term Development**

9.1.8 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) However, a narrow strip at the northern part of the Site falls within the boundary of Yuen Long South (YLS) Development – Stage 2. The land resumption and clearance programme of the project is subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the project. Land clearance operation at the narrow strip is tentatively targeted to commence in 2024. Thus, the applicant shall be advised not to carry out any substantial works within the narrow strip at the northern part of the Site in view of the planned YLS development - Stage 2.

### **District Officer’s Comments**

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

Her office had conducted local consultation and one feedback was received (identical to the public comment at **Appendix IV-4**).

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);

- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);  
and
- (d) Commissioner of Police (C of P).

## **10. Public Comments Received During the Statutory Publication Periods**

- 10.1 On 5.5.2020 and 7.8.2020, the application and the subsequent FI (**Appendix Ib**) were published for public inspection. During the respective three weeks of the statutory public inspection periods, five public comments (including two supporting comments, two objecting comments and one comment raising concerns) were received.
- 10.2 The VRs of Lam Hau Tsuen supported the application on the grounds that there will be no adverse traffic impact arising from the proposal as the traffic flow is low in the area (especially for heavy vehicles), the vehicles from single-lane Lam Yu Road are not able to enter Lam Hau Tsuen; and the proposal could meet the parking demand of the villagers and address the illegal parking problem (**Appendices IV-1 and IV-4**). The VRs also opined that the Site should be fenced off and two ingress/egress should be reserved for diverting the traffic flow during events (**Appendix IV-1**). An individual questioned the previous use at the Site and opined that there should already be sufficient parking spaces in Lam Hau Tsuen (**Appendix IV-2**). The other individuals objected to the application on the grounds that there would be adverse traffic impacts on the local road network; and the proposal would attract users other than the local residents and hence disturb the life of the locals (**Appendices IV-3 and IV-5**)

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

- 11.1 The application is for proposed temporary public vehicle park for private car and LGVs 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 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. Furthermore, whilst a narrow strip of the Site falls within the proposed YLS Development – Stage 2, PM(W), CEDD has no objection to the proposed temporary use for 3 years. As such, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone and would not jeopardise the long-term development of the area.
- 11.2 The surrounding areas comprise predominantly village houses intermixed with parking of vehicles and open storage/storage yards (**Plan A-2**). The proposed development is generally not incompatible with the surrounding uses in the subject “V” zone.
- 11.3 There is no adverse comment on the application from concerned government departments, including C for T, DEP and CE/MN, DSD. Although there was one substantiated environmental complaint on suspected landfilling activity at the Site in 2019, no further complaint was received in 2020. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to minimise any potential



environmental nuisances or to address the local concerns and technical requirements of the 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.

- 11.4 Given that 8 similar applications have been approved in the subject “V” zone, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There were five public comments received during the statutory publication periods as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10 above, 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) 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 should be posted at a prominent location of the Site to indicate that medium and heavy goods vehicles, as defined in the Road Traffic Ordinance, are not allowed to enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle repairing or other workshop activities, as proposed by the applicant, shall 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 provision of boundary fence 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 implementation of the accepted 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 18.3.2021;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) 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;
- (j) in relation to (i) 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;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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
- (l) if any of the above planning conditions (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

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

the development 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.

**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 annexes and plans received on 27.4.2020
<b>Appendix Ia</b>	Supplementary Information received on 28.4.2020
<b>Appendix Ib</b>	FI received on 28.7.2020
<b>Appendix Ic</b>	FI received on 27.8.2020
<b>Appendix Id</b>	FI received on 1.9.2020
<b>Appendix Ie</b>	FI received on 10.9.2020
<b>Appendix II</b>	Previous Application covering the Site
<b>Appendix III</b>	Similar Applications within the Same “V” Zone on the TYST OZP
<b>Appendices IV-1 to IV-5</b>	Public Comments received during the Statutory Publication Periods
<b>Appendix V</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>	Landscape Proposal
<b>Drawing A-4</b>	Drainage 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  
SEPTEMBER 2020**