

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/255

- Applicant** : Mr CHIU Ping Yin represented by R-riches Property Consultants Limited
- Site** : Lots 305 RP (Part), 307 (Part), 308, 309, 310 (Part), 311 (Part), 312 RP, 313 RP, 316 RP, 1220 RP (Part), 1223 (Part), 1224 RP (Part) and 1225 RP (Part) in D.D. 116 and adjoining Government Land, Au Tau, Yuen Long, New Territories
- Site Area** : 8,271.8m² (about) (including government land (GL) of about 188.6m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/23
- Zoning** : “Government, Institution or Community” (“G/IC”) (about 53.75%)
[restricted to a maximum building height (BH) of 8 storeys excluding basement(s)]

“Open Space” (“O”) (about 46.25%)
- Application** : Temporary Public Vehicle Park (excluding container vehicle) for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (excluding container vehicle) for a period of 6 years (**Plan A-1**). The Site straddles over an area zoned “G/IC” (53.75%) and “O” (46.25%) on the approved Yuen Long OZP. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is always permitted in the “G/IC” zone, whilst it is a Column 2 use under “O” zone, and planning permission from the Town Planning Board (the Board) is required. The Site is currently occupied for the applied use without valid planning permission (**Plans A-2, A-3 and A-4a to A-4b**).
- 1.2 The Site is accessible via a vehicular access from Yuen Ching Road (**Plans A-2 and A-3 and Drawing A-1**). As shown on the proposed layout plan (**Drawing A-2**), the ingress/egress to the Site is proposed at the north-western corner of the Site. The proposed development comprises 334 private car parking spaces and six single-storey structures for security kiosk, document storage, site office and

canopy for carparking space use. According to the applicant, the public vehicle park will operate 24 hours daily to serve the nearby residents and visitors. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 to A-3**.

1.3 The major development parameters of the applied use are as follows:

Site Area	About 8,271.8m ² (including 188.6m ² of GL)
Total Floor Area (Non-domestic)	About 2,754.8m ²
No. and Height of Structures	6 (2.6m to 3m, all structures are single-storey)
No. of Parking Spaces	334 (for private car)
Operation Hours	24 hours daily

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

- (a) Application Form with Supplementary Planning Statement (SPS), Plans and Drawing received on 11.2.2019 **(Appendix I)**
- (b) Further information (FI) received on 28.3.2019 responding to departmental comments including a revised site layout plan with indication of fire services installation proposal and details of the structures on site
[accepted but not exempted from publication and recounting requirements] **(Appendix Ia)**
- (c) FI received on 16.7.2019 providing a R-to-C table and a revised trip generation and attraction analysis, a swept path analysis and a plan showing the routing direction
[accepted and exempted from publication and recounting requirements] **(Appendix Ib)**

1.5 On 22.3.2019 and 17.5.2019, the Rural and New Town Planning Committee (the Committee) agreed to defer its consideration on the application for 2 months respectively, as requested by the applicant to allow time for submission of F.I to address concerned departmental comments. The applicant submitted F.I as indicated in paragraph 1.4 above. The application is scheduled 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 Supplementary Planning Statement attached with the Application Form at **Appendix I** and the FI in **Appendices Ia to Ib**. They can be summarised as follows:

- (a) The proposed development is applied for a period of 6 years and is considered to be temporary, hence shall not set an undesirable precedent. Moreover, the temporary nature of the proposed development shall not affect the long-term planning intention of the “O” zone.
- (b) The proposed development is intended to serve the nearby locals and to fulfill the demands for parking spaces from the adjacent residential developments, hence to alleviate the problem of illegal parking in the area.
- (c) A public vehicle park has been operating on the Site for years and no adverse impact on surrounding road networks is generated.
- (d) Sufficient internal vehicular manoeuvring space is provided within the Site, no vehicle would reverse or queue outside the Site. Signage (i.e. stop and no left turn signs) will be provided at the Site to guide motorists on the routing to enhance traffic safety.

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 notices of the application at the Site and newspaper advertisements at one English newspaper and two Chinese newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site was partly zoned “G/IC” and partly “O” on the first draft Yuen Long OZP No. S/YL/1 gazetted on 12.4.1991. It is partly zoned “Education” (“E”) and partly “District Open Space” (“DO”) on the draft Yuen Long East Extension Area (Area 12) - Layout Plan (LP) No. L/YL EA/J since 2002. The area zoned “E” is reserved for a primary school (**Plan A-5**). There has been no change to the said zonings of the Site on the OZP and LP since then.

5. Previous Application

There is no previous application within the Site.

6. Similar Application

There is no similar application for ‘Public Vehicle Park (excluding container vehicle)’ within the same “G/IC” and “O” zones on the OZP.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

7.1 The Site is:

- (a) accessible via a vehicular access from Yuen Ching Road to the northwest, which connects to Yuen Lung Street (**Plan A-3**);
- (b) fenced-off and paved; and
- (c) currently used for the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is Kwong Ming Ying Loi School, within the same “G/IC” zone;
- (b) to its immediate east is Yuen Long Highway;
- (c) to its immediate south and west are some vacant land and areas mainly occupied by open-air vehicle parks, open storage uses and plant nurseries; and
- (d) to its further west and northwest are clusters of high-rise residential developments, “YOHO Town” and “YOHO Midtown” respectively, on land zoned “Comprehensive Development Area” (“CDA”).

8. Planning Intentions

8.1 The planning intention of the “G/IC” zone is primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the government, organizations providing social services to meet community needs, and other institutional establishments.

8.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views 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 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 188.6m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed.
- (c) The Site is accessible from Yuen Lung Street via GL. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularise the irregularities on site, if any. Besides, given the applied use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant Short Term Tenancy for use of the Site. Application 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 premium or fee, as may be imposed by her department.

Traffic

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

- (a) He has no further comment on the application from traffic engineering perspective.
- (b) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) The proposed access arrangement of the Site from Yuen Ching Road should be commented by Transport Department.
- (b) His office does not and will not maintain any access connecting the Site and Yuen Ching Road. The applicant should be responsible for his own access arrangement.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.
- (d) The portion of adjacent Slope No. 6NW-B/F87 under his department's maintenance should not be affected.

Environment

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

- (a) The Site is not the subject of any previous environmental complaint.
- (b) The applicant is reminded that sewage arising from the Site should be directed to nearby public sewer. If septic tank and soakaway system is used in case of unavailability of public sewer, its design and construction should follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department (EPD)" and are duly certified by an Authorised Person (AP).
- (c) Should the planning application be approved, the applicant will 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) to minimise any potential environmental nuisances.

Drainage

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

He has no objection in principle to the applied use from the public drainage point of view. Should the application be approved, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal to the satisfaction of his department or of the Board.

Landscape

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the aerial photo of 2018, the Site is observed to be completely hard paved with temporary structures generally aligned along the site boundary and at the southern portion of the Site and already in operation as a vehicle park. Existing trees are observed along the eastern and northern (part) boundaries of the Site. The Site is situated in an area of urban fringe landscape character disturbed by open storage yards. The applied use is not entirely incompatible with the existing landscape character.
- (b) When comparing the aerial photos of 2015 and 2018, trees at the south-eastern portion of the Site (within “O” zone) are found missing. Landscape impact has taken place.
- (c) Approval of the application would set an undesirable precedent, likely to encourage other similar applications to blanket clear the site prior to obtaining planning approval. The cumulative impact of which would be the overall degradation of the urban fringe landscape character and the integrity of the “O” zone in general. Hence she has reservation on the application from the landscape planning perspective.
- (d) In consideration that the Site is not adjoining any prominent public frontage and the Site is screened by existing trees along the eastern boundary. Should the application be approved, it is considered not necessary to impose a landscape condition.
- (e) The applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the applied use and the submitted FSIs proposal is considered acceptable to his department.
- (b) The applicant is advised that the installation/maintenance/modification/repair work of fire service installation (FSI) shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to his

department.

- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

The applicant's attention is drawn to the following points:

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any use applied for under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.
- (c) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.

Other

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

CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation" (the Study). The Site falls within the "Study Area" of YLS but outside the

development area of YLS. There is no adverse comment on the application from the perspective of the Study.

9.1.10 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site is partly zoned “G/IC” and partly “O” on the Yuen Long OZP. Part of the Site is reserved for the development of a sports centre and open space, but the project is not a priority programme of Yuen Long District Council (YLDC).
- (b) To strike a balance between the development of the Site and the gainful use of GL, her office has no in-principle objection to the short-term disposal of the Site on the conditions that:
 - (i) the short-term use of the Site would not restrict or adversely affect the future development of the sports centre and open space;
 - (ii) the allocatee/operator should facilitate her department, Architectural Services Department and/or their work agent(s) in visiting the Site whenever necessary and carrying out site investigation works for the construction of the above-mentioned project proposal, including but not limited to topographical survey, ground investigation, removal of obstructions, etc. during the allocation period;
 - (iii) her department will not be requested to re-provision the short-term use when the Site is resumed for redevelopment; and
 - (iv) her department may resume the land without compensation to the allocatee/operator when the YLDC requests to kick off the project proposal on the Site.

9.1.11 Comments of the Secretary for Education (SED):

He notes that part of the Site falls into part of the earmarked primary school sites while another part of which is under temporary government land allocation to LandsD for temporary government office purposes for 5 years. There is no programme of school development at the Site. He has no comment on the applied temporary public carpark use.

District Officer’s Comments

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

His office has not received any feedback from the locals on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Project Manager (West), CEDD;
- (c) Head of the Geotechnical Engineering Office, CEDD;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Director of Electrical and Mechanical Services;
- (f) Commissioner of Police; and
- (g) Director of Social Welfare.

10. Public Comments Received During the Statutory Publication Period

On 15.2.2019 and 9.4.2019, the application was published for public inspection. During the first three-week statutory public inspection periods which ended on 8.3.2019 and 30.4.2019 respectively, one public comment was received (**Appendix II**). The commenter objects to the application mainly on the grounds that the proposed development is an inefficient use of land resource and suggests using the Site for much needed GIC facilities.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (excluding container vehicle) for a period of 6 years on a site zoned “G/IC” (about 53.75%) and “O” (about 46.25%) on the OZP. The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 1 use under the “G/IC” zone, which is always permitted. Although the subject parts of the “G/IC” and “O” zones are reserved for the development of a primary school, a sports centre and open space respectively, EDB and LCSD currently have no programme of such developments. SED and DLCS have no objection to the application. Approval of the application on a temporary basis will not jeopardise the long-term developments of the “G/IC” and “O” zones. In addition, it could provide vehicle parking spaces to meet parking demand of the local residents in the area.
- 11.2 The Site is mainly surrounded by open storages, open-air car parks, plant nurseries and a school. YOHO Midtown and YOHO Town are located to its further west (**Plans A-1 and A-2**). The applied use is considered not entirely incompatible with the surrounding land uses.
- 11.3 There is no adverse comment on the application from concerned government departments including C for T, DEP, CE/MN of DSD and D of FS. Adverse traffic, environmental, drainage and fire safety impact are not anticipated. CTP/UD&L has reservation on the application as the approval of the application would set an undesirable precedent to encourage similar applications to blanket clear the Site prior to obtaining planning approval, and the cumulative impact would be overall degradation of urban fringe character and the integrity of “O”

zone. Nevertheless, since the Site, which is located at the fringe of the Yuen Long New Town, is not adjoining any prominent public frontage and the Site is screened by existing trees along the eastern boundary, she considers not necessary to impose a landscape condition, should the application be approved. There has been no environmental complaint concerning the Site received in the past 3 years. Nevertheless, to prevent possible environmental nuisances generated by the temporary use and to address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission. Should the planning application be approved, the applicant will also be advised to follow the Code of Practice issued by EPD in order to minimise any potential environmental impact.

- 11.4 There is one public comment received on the application during statutory publication period as summarised in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 mentioned in paragraph 10, the Planning Department has no objection to the application for a period of 6 years.
- 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 6 years until 6.9.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicles without valid licenses issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period;
- (b) only private cars, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a 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 6.3.2020;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by

6.6.2020;

- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 **6.3.2020;**
- (i) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (j) if any of the above planning conditions (e), (f) or (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.

Advisory clauses

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

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

The development is not in line with the planning intention of the "O" zone which is for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification has been given in the submission for 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 Supplementary Planning Statement, Plans and Drawing received on 11.2.2019

Appendix Ia Further information received on 28.3.2019 responding to

departmental comments including a revised site layout plan with indication of fire services installation proposal and details of structures on site

Appendix Ib	Further information received on 16.7.2019 providing a R-to-C table and a revised trip generation and attraction analysis, a swept path analysis and a plan showing the routing direction
Appendix II	Public comment on the application received during the public inspection period
Appendix III	Recommended Advisory Clauses
Drawing A-1	Plan showing the vehicular access leading to the Site
Drawing A-2	Site Plan
Drawing A-3	Site Plan with indication of fire services installation proposal and on-site structures
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos
Plan A-5	Extract of the Yuen Long East Extension Area (Area 12) – Layout Plan No. L/YL-EA/J

**PLANNING DEPARTMENT
SEPTEMBER 2019**