

RNTPC Paper No. A/YL-PH/800
For Consideration by
the Rural and New Town
Planning Committee
on 18.1.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/800

- Applicant** : Chief Force Limited
- Site** : Lots 2053 RP (Part), 2053 S.A ss.1, 2053 S.A ss.2, 2053 S.A ss.3, 2053 S.A RP and 2054 (Part) in D.D. 111, Pat Heung, Yuen Long
- Site Area** : About 525 m²
- Lease** : Block Government Lease (demised agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)
[Maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Private Car Park (excluding container vehicle) 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 private car park (excluding container vehicle) for a period of 3 years. The Site is not the subject of any previous application and is currently vacant (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, a total of 10 car parking spaces for private vehicles and light goods vehicles will be provided at the Site to serve nearby residents. Only vehicle not exceeding 5.5 tonnes will be parked within the Site. No dismantling, maintenance, repairing, cleansing, painting-spraying or workshop-related activity will be carried out within the Site. No structure will be erected on-site. The operation hours are between 8:00 a.m. to 9:00 p.m, Mondays to Sundays including public holidays. The site layout plan with fire services installation proposal and vehicular access plan as submitted by the applicant are at **Drawings A-1 to A-2**.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with planning statement and plans (**Appendix I**) received on 28.11.2018.
 - (b) Supplementary Information (SI) received on (**Appendix Ia**) 6.12.2018 clarifying the operation hours
 - (c) Further Information (FI) received on 24.12.2018 (**Appendix Ib**) clarifying the operation details and traffic arrangement
 - (d) FI received on 4.1.2019 clarifying the traffic (**Appendix Ic**) arrangement
 - (e) FI received on 9.1.2019 and 11.1.2019 clarifying the (**Appendix Id**) traffic arrangement

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in paragraph 9 of the Application Form, SI and FIs at **Appendices I to Id**. They can be summarized as follows:

- (a) The applicant will provide proper fire services installations at the Site and maintains the facilities regularly. The proposed use will not general traffic impact on Kam Sheung Road and the surrounding area. Traffic signs will be provided at the Site for traffic safety. Should the application be approved, the applicant undertakes to comply with all approval conditions to the satisfaction to relevant government departments.
- (b) The proposed car park is to serve the nearby residents (on monthly rental basis) could address illegal parking and traffic jam issues in the area. Reservation of the car parking space is needed and could be made via mobile apps or by phone.

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 Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not subject to any active enforcement case.

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Applications**

6.1 There are a total of 6 similar applications (Nos. A/YL-PH/ 35, 78, 88, 149, 746 and 777) for temporary public/private car/lorry park in the same “V” zone or straddling “V” and adjoining “Open Storage” (“OS”) zones. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee). Details of the applications are summarized in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

6.2 Application Nos. A/YL-PH/35 and 78 for temporary public carpark on the same application site were approved with conditions by the Committee for a period of 1 year and 5 years on 12.1.1996 and 28.2.1997 respectively mainly for the reasons that the public carparks were compatible and functional in supporting the village type development; and relevant departments had no major adverse comment on the applications. Application Nos. A/YL-PH/88 and 149 for temporary public car/lorry park were approved with conditions by the Committee for a period of 3 years and 1 year on 16.5.1997 and 5.12.1997 respectively mainly on similar reasons as mentioned above.

6.3 Application No. A/YL-PH/746 for proposed temporary public vehicle park (excluding container vehicle) and No. A/YL-PH/777 (22% of the application site falls within the same “V” zone and 78% falls within “OS” zone) for temporary covered vehicle park (private cars and light goods vehicles) were approved with conditions by the Committee for a period of 3 years on 12.5.2017 and 4.5.2018 respectively for the reasons that the proposed use was not incompatible with surrounding environment and could satisfy some of the local parking demand; temporary approval would not jeopardise the long-term planning intention of the “V” zone; and relevant departments had no objection.

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

7.1 The Site is:

- (a) vacant and covered by vegetation; and

(b) accessible via a local track from Kam Tin Road.

7.2 The surrounding areas are generally rural in character and mixed with residential structures/dwellings, open storage/storage yards, parking of vehicles and vacant/unused land (**Plan A-2**):

- (a) to its east and south are residential dwellings/structures and open storage yards;
- (b) to its west are residential dwellings/structures. Further west are unused land and storage/open storage yards.
- (c) to its north are residential dwellings/structures. Further north are open storage yards and vacant land.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board (the Board).

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized 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 Scheduled 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) The Site is accessible from Kam Tin Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD 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 the LandsD.
- (e) There is no Small House application approved or under processing within the Site.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. 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/NT West, Highway Department (CE/NTW, HyD):

- (a) HyD does not and will not maintain the accesses connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There was no substantiated environmental complaint received in the past 3 years.
- (b) The applicant is 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” issued by DEP.

Landscape

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

- (a) She has no objection to the application from the landscape planning perspective.
- (b) The Site is surrounded by existing village house of Wang Toi Shan San Tsuen within “V” zone. The Site is connected to Kam Tin Road via an existing paved driveway to the east of the Site.
- (c) Based on the aerial photo taken in March 2018, the Site is situated in an area of rural landscape character comprising of village houses and open storages. The proposed use is not incompatible to the surrounding environment.
- (d) Referring to the site visit in December 2018, the Site is vacant and covered with groundcovers. No tree is found within the Site. Adverse impact on landscape resources within the Site from the proposed development is not anticipated.

Nature Conservation

- 9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Nothing that the Site is located in “V” zone and is located within a village area, he has no comment on the application from nature conservation point of view.

Drainage

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

- (a) He has no objection in principle to the proposed development.
- (b) Should the application be approved, approval conditions requiring the submission of drainage proposal and implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning permission.

Fire Safety

- 9.1.8 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. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

Water Supplies

- 9.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.

- (b) Existing water mains will be affected as shown on **Plan A-2**. A waterworks reserve within 1.5m from the centerline of the water mains shall be provided to WSD.
- (c) No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No tree or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on **Plan A-2**.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the 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 the BO.
- (c) 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.
- (d) 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 the B(P)R at the building plan submission stage.

District Officer's Comments

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

His office has not received any comments from locals upon close of consultation and has no particular comments on the application.

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

- (a) Director of Electrical and Mechanical Services;
- (b) Project Manager (West), Civil Engineering and Development Department; and
- (c) Commissioner of Police.

10. Public Comment Received During Statutory Publication Period

On 7.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 28.12.2018, one comment from a public was received (**Appendix III**). The commenter objects the application mainly on the grounds that parking should be accommodated in stacked facilities underground or ground floor of village house in order to free up land for other uses.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary private car park (excluding container vehicle) for a period of 3 years within an area zoned "V". The planning intention of the "V" zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed use is not entirely in line with the planning intention of "V" zone. Nevertheless, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. According to the applicant, the proposed private car park is to serve nearby residents. In this regard, it is considered that temporary approval for 3 years of the application would not jeopardise the long-term planning intention of the "V" zone.

11.2 The proposed carpark is not incompatible with surrounding areas which are generally rural in character and mixed with residential structures/dwellings, open storage/storage yards and unused land.

- 11.3 Relevant departments consulted including DEP, CE/MN of DSD, D of FS and C for T have no objection to or adverse comment on the application. To minimise any potential nuisance, approval conditions restricting the operation hours, prohibiting medium or heavy goods vehicles and workshop activities and provision of site notice are recommended in paragraphs 12.2 (a) to (e) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Besides, 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” issued by DEP in order to alleviate any potential impact. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (f) to (k) below.
- 11.4 There are 6 similar applications for temporary car/lorry park within the same “V” zone which were all approved with conditions by the Committee between 1999 and 2018 mainly for the reasons as stated in paragraphs 6.2 and 6.3 above. Approval of the application is in line with the previous approval of the Committee on similar applications.
- 11.5 One objecting comment against the application was received during the statutory publication period mainly on the grounds that parking should be accommodated in stacked facilities, underground or ground floor of village house in order to free up land for other uses. In this regard, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. The planning assessments and considerations above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment in paragraph 10, the Planning Department considers that the proposed temporary private car park (excluding container vehicle) could be tolerated for a period of 3 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 3 years until 18.1.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) 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 18.7.2019;
- (h) in relation to (g) above, the implementation of 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 18.10.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of 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 18.7.2019;
- (k) in relation to (j) above, the provision of fire service installations 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 18.10.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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

- (m) if any of the above planning conditions (g), (h), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

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

the proposed development is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such 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 applicants.

14. Attachments

Appendix I	Application form with planning statement and plans received on 28.11.2018.
Appendix Ia	SI received on 6.12.2018
Appendix Ib	FI received on 24.12.2018
Appendix Ic	FI received on 4.1.2019

Appendix Id	FI received on 9.1.2019 and 11.1.2019
Appendix II	Similar Applications within the same “V” zone on the Pat Heung OZP
Appendix III	Public comment received during the statutory publication period
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan with Fire Services Installations Proposal
Drawing A-2	Vehicular Access Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**