

RNTPC Paper No. A/YL-PH/832  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 24.4.2020

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

**APPLICATION NO. A/YL-PH/832**

<b><u>Applicant</u></b>	: Chief Force Limited 志科有限公司
<b><u>Site</u></b>	: Lots 1956 S.A RP (Part) and 1956 S.B RP (Part) in D.D. 111, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	: 518 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle 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 public vehicle park (excluding container vehicle) for a period of 3 years. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site was the subject of two previous applications for open storage uses, which were rejected by the Rural and New Town Planning Committee (the Committee) in 1999 and 2018 respectively. The Site is currently vacant (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, a total of 6 private car parking spaces and 3 light goods vehicle parking spaces will be provided at the Site to serve the residents of Wang Toi Shan San Tsuen. No structure will be erected at the Site. The operation hours will be from 7:00 am to 10:00 pm daily including public holidays. No workshop-related activities will be carried out at the Site and vehicle exceeding 5.5 tonnes will be allowed to park in the proposed development. The Site is accessible by a local track leading to Kam Tin Road. The layout plan with fire services installation proposals and vehicular access plan submitted by the applicants are at **Drawings A-1 and A-2**.

1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application form with supplementary planning (**Appendix I**) statement and plans received on 9.3.2020
- (b) Supplementary Information (SI) received on 14.3.2020 (**Appendix Ia**)
- (c) Further Information received on 8.4.2020 in response to (**Appendix Ib**) departmental comment  
(*exempted from publication requirement*)

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement and SI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) Existing car parks in the vicinity are full, and illegal parking on the local roads have resulted in adverse traffic impacts. The proposed public vehicle park will better serve the local residents of Wang Toi Shan San Tsuen by helping to alleviate the existing adverse traffic impacts.

The proposed public vehicle park does not contravene the planning intention. No adverse traffic impact is anticipated. If the application is approved, the applicant will comply with all of the approval conditions.

## 3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site 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 subject to an on-going planning enforcement action (No. E/YL-PH/822) against an unauthorized development (UD) involving storage use (including deposit of containers). Enforcement notice was issued on 15.10.2019 requiring discontinuation of the UD. Subsequent site inspections revealed that the UD had discontinued. The Site would be kept under close monitoring for further action, if necessary.

## 5. Previous Applications

The Site was involved in two previous applications (No. A/YL-PH/258 and 778) for open storage of lorries and open storage of construction materials and equipment respectively. Both applications were rejected by the Committee in 1999 and 2018 respectively, mainly for the reasons that the proposed development was not in line with the planning intention of the “V” zone; the proposed development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses”; no information had been given to demonstrate why a suitable site within the “Open Storage” (“OS”) zones could not be identified for the use (No. A/YL-PH/258 only); the approval of the application would set an undesirable precedent for other similar applications; and the applicant failed to demonstrate that the development would not generate environmental nuisance on the surrounding area (No. A/YL-PH/778 only). Details of the application are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

## 6. Similar Applications

- 6.1 There are seven similar processed applications for vehicle park in the same “V” zone or straddling the same “V” and adjoining “OS” zones on the OZP, which were all approved with conditions by the Committee. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-PH/35 and 78 for public car parking on the same application site were approved by the Committee for a period of 1 year and 5 years respectively in 1996 and 1997 mainly on the considerations that the applied use was supporting the village type development; the relevant departments had no major adverse comment on the applications; and the temporary nature merited sympathetic consideration.
- 6.3 Applications No. A/YL-PH/88, 149, 746, 777 and 800 for public / private vehicle park covering another five separate sites on the same “V” zone or straddling the same “V” and adjoining “OS” zones were approved by the Committee for 1 to 3 years in 1997 and 2019 on similar grounds that the development would not frustrate the long-term planning intention; could meet some of the parking demand; supporting the village type development; and the relevant departments had no adverse comment on the applications.
- 6.4 Application No. A/YL-PH/833 for renewal of planning permission for public vehicle park (excluding container vehicle) within the same “V” zone will be considered at the same meeting.

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

- 7.1 The Site is:

- (a) paved and currently vacant; and
- (b) accessible via a local track branching off Kam Tin Road.

7.2 The surrounding areas are generally rural in character intermixed with residential structures / dwellings, parking of vehicles, open storage yards, plant nursery and vacant/unused land (**Plan A-2**). Some of the open storage yards are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its north and west are residential structures / dwellings and vacant land; and
- (b) to its east and south are residential structures / dwellings, open storage / storage yards, parking of vehicles (with valid planning permission under Application No. A/YL-PH/777), plant nursery and vacant / unused 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 the ground floor of a New Territories Exempted House (NTEH). 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 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 Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) Should the planning application be approved, the lot owner(s) will need to apply to his office to permit the structure(s) 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. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) 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 LandsD.
- (c) 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 is not / shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

**Environment**

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

- (a) There was no environmental complaint covering the Site 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.

**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) Should the application be approved, approval conditions requiring the submission, 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.

**Fire Safety**

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

- (a) He has no in principle objection 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 FSI to be installed should be clearly marked on the layout plans.

**Building Matters**

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the applied use.
- (b) The applicant's attention is drawn to the following points:
  - (i) If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
  - (ii) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing 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.
  - (iii) Before any new building works (including containers / open shed as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO.
  - (iv) 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.
  - (v) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Water Supplies**

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

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

- (b) An existing 10m waterworks reserve will be affected (**Plan A-2**). No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes.
- (c) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority.
- (d) 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.

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

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

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

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

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

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

On 17.3.2020, the application was published for public inspection. During the three-week statutory public inspection period, two public comments including one from a Yuen Long District Council member and an individual (**Appendices V-1** and **Appendices V-2**) were received and raised objections to the application mainly on the grounds that "V" zone is intended for Small House development; the proposed use will generate adverse traffic and environmental impacts to the surrounding areas; the cumulative effect of approving applications for car parks would result in hoarding of brownfields, piecemeal land use pattern, pollution and adverse impacts on the nearby residents; there is another application for vehicle park near the Site and there is no residence to justify parking use; and the current status of the Site should be questioned.



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

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicles) for a period of 3 years at a site in “V” zone. 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. 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board. 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. It is considered that temporary approval of the application would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are generally rural in character intermixed with residential structures / dwellings and vacant / unused land. According to the applicant, the proposed temporary public vehicle park is to serve the residents of Wang Toi Shan San Tsuen.
- 11.3 The proposed temporary public vehicle park without any structures would unlikely cause significant environmental, traffic and drainage impacts. Relevant departments consulted including DEP, CE/MN of DSD, D of FS and C for T have no adverse comment on the application. To minimise any potential nuisance, approval conditions restricting the operation hours and prohibiting medium or heavy goods vehicles are recommended in paragraphs 12.2 (a) to (d) 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”. 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 (e) to (j) below.
- 11.4 The Site is subject to two previous planning applications (No. A/YL-PH/258 and 778) for open storage uses, which were rejected by the Committee in 1999 and 2018 respectively. The current application is for a different use. There are 7 similar applications for vehicle parking uses within the same “V” zone or straddling the same “V” and adjoining “OS” zones, which were all approved with conditions by the Committee between 1996 and 2019 as stated in paragraph 6.2 above. Approving the current application is in line with the Committee’s previous decision on the similar applications.

- 11.5 Two public comments were received during the statutory inspection period, objecting to the application as stated in paragraph 10 above. In this regard, relevant Government departments' comments as well as planning assessments and considerations as stated above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into consideration the public comments as stated in paragraph 10, the Planning Department has no objection to the proposed temporary public vehicle park (excluding container vehicle) 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 24.4.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 10:00 p.m. and 7:00 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of 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 24.10.2020;
- (g) in relation to (f) 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 24.1.2021;

- (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 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 24.10.2020;
- (j) in relation to (i) above, the implementation of 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 24.1.2021;
- (k) if any of the above planning condition (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 condition (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 attached at **Appendix V**.

- 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 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 applicants.

#### **14. Attachments**

<b>Appendix I</b>	Application form with supplementary planning statement and plans received on 9.3.2020
<b>Appendix Ia</b>	SI received on 14.3.2020
<b>Appendix Ib</b>	FI received on 8.4.2020
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Similar applications within the same “V” zone of the Site on the Pat Heung OZP
<b>Appendices IV-1 and IV-2</b>	Public comments received during the statutory publication period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2020**