

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

**APPLICATION NO. A/YL-PH/833**

- Applicant** : Chief Force Limited
- Site** : Lots 1631 (Part) and 1633 (Part) in D.D. 111, Pat Heung, Yuen Long
- Site Area** : About 2,085 m<sup>2</sup>
- Lease** : Block Government Lease (demised for 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** : Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for 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 “V” zone, which requires planning permission from the Town Planning Board (the Board). At present, the Site is fenced and used for the applied use with valid planning permission.
- 1.2 The Site is the subject of a previous application for the same applied use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 12.5.2017. All approval conditions have been complied with and the planning permission is valid until 12.5.2020.
- 1.3 According to the applicant, a total of 30 nos. of parking spaces (20 nos. for private cars and 10 nos. for light goods vehicles) are provided at the Site. No structure is proposed at the Site. The operation hours are 24 hours daily. No workshop-related activity will be carried out within the Site and no vehicle exceeding 5.5 tonnes will be parked at the Site. The Site is accessible via a stretch of local track at the south and winding north connecting to Kam Tin Road. Plans showing the site layout with drainage and fire service installations (FSIs) proposals and access to

Kam Tin Road submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.4 When compared with the last approved application (No. A/YL-PH/746), the current application submitted by the same applicant is the same in terms of use, site boundary and area, layout and number of car parking spaces.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (i) Application form with planning statement and plans (**Appendix I**) received on 9.3.2020
  - (ii) Further Information (FI) dated 23.3.2020 providing (**Appendix Ia**) responses to departmental comments  
*(exempted from publication requirement)*
  - (iii) FI dated 14.4.2020 providing responses to departmental (**Appendix Ib**) comments  
*(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 planning statement at **Appendix I**. They can be summarized as follows:

- (a) There is no change in the applied use between this application and the last approved application No. A/YL-PH/746. Relevant government departments and nearby residents had no adverse comments or complaint on the previous application and all approval conditions for the last approved application had been complied with.
- (b) The applied use intends to provide more parking spaces and meet the need of nearby residents, as well as to reduce illegal parking in the area. It is compatible with the surroundings and will not adversely affect the villagers and environment of the area. There is a distinct vehicular access amid the clusters of village houses in the vicinity.
- (c) No adverse traffic impact is anticipated. The applicant will provide/maintain drainage and fire service installations at the Site, and promises that he would comply with relevant approval conditions upon approval of the application.

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

The applicant is not the 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 notifying the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

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

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

#### 5. **Background**

The Site is currently not subject to any active planning enforcement case.

#### 6. **Previous Application**

The Site involves one previous application (No. A/YL-PH/746) for the same applied use and submitted by the same applicant as the current application. The application was approved with conditions by the Committee for a period of 3 years on 12.5.2017 mainly for the reasons that temporary approval would not frustrate the long-term planning intention of the “V” zone; the applied use was considered not incompatible with the surrounding land uses; there was no adverse departmental comment on the application and technical concerns from the relevant departments would be addressed by appropriate approval conditions. All the approval conditions related to drainage, landscape and fire safety aspects had been complied with, and the planning permission is valid until 12.5.2020. Details of the application is summarised in **Appendix III** and its location is shown on **Plan A-1**.

#### 7. **Similar Applications**

- 7.1 There are six similar processed applications for public vehicle park in the same “V” zone or straddle the same “V” and adjoining “Open Storage” (“OS”) zones on the OZP, which were all approved with conditions by the Committee. Details of the applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 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 on 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.
- 7.3 Applications No. A/YL-PH/88, 149, 777 and 800 for public/private vehicle park covering another four separate sites on the same “V” zone or straddle the same “V” and adjoining “OS” zones were approved with conditions 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.

- 7.4 Application No. A/YL-PH/832 for proposed public vehicle park (excluding container vehicle) within the same “V” zone will be considered at the same meeting.

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

8.1 The Site is:

- (a) used for the applied use with valid planning permission; and
- (b) accessible via a stretch of local track connecting Kam Tin Road.

8.2 The surrounding areas are rural in character predominated by residential structures/dwellings, parking of vehicles, open storage yards and vacant/unused land. The parking of vehicles and open storage yards are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its west, north and east are mainly residential structures/dwellings and vacant/unused land. There is a residential development Green Villa to the further north of the Site; and
- (b) to its south are parking of vehicles, open storage yards, residential structures/dwellings and vacant/unused land.

**9. 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 Houses (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

**10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of 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 planning approval be given to the planning 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. 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 rent or fee, as may be imposed by LandsD.
  - (c) There is no Small House application approved or under processing within the Site.

### **Traffic**

- 10.1.2 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 is not managed by Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD):
- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.

- (b) Adequate drainage measures should be provided to prevent water running from the Site to the nearby public roads and drains.

### **Environment**

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

- (a) 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 Sites” issued by DEP.
- (b) There is no environmental complaint at the Site received by DEP in the past three years.

### **Landscape**

#### 10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L):

- (a) She has no objection to the application from landscape planning perspective.
- (b) The Site is subject to a previous application for the same applied use approved by the Committee in 2017 to which she had no objection from the landscape perspective.
- (c) Based on the aerial photo taken in 2019, the Site is situated in an area of rural landscape character comprising of scattered tree groups and village houses. The development is considered not incompatible with the surrounding environment.
- (d) Compared with the aerial photos of 2017 and 2019, there is no significant change to the surrounding landscape setting since the application was last approved. Further significant adverse impact on landscape character due to the development is not anticipated.

### **Drainage**

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

- (a) He has no objection in principle to the development.
- (b) Based on the applicant’s submission, the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-PH/746.

- (c) Should the application be approved, approval conditions requiring the maintenance of the existing drainage facilities implemented under Application No. A/YL-PH/746 and the submission of records of the existing drainage facilities on the Site to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, 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 Buildings Ordinance (BO).
- (b) If the existing structures (not being a new Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under application.
- (c) 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.
- (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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Fire Safety**

#### 10.1.8 Comment of the Director of Fire Services (D of FS):

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

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

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

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

10.2 The following Government departments have no comment on or no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Project Manager/West, Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services; and
- (d) Commissioner of Police.

## **11. Public Comments Received During the 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 V-2**) were received and raised objections to the application mainly on the grounds that "V" zone is intended for Small House development; the applied use will generate adverse traffic and environmental impacts to the surrounding areas; the cumulative impact of approving applications for car parks would result in hoarding of brownfields, piecemeal land use pattern, pollution and adverse impacts on the nearby residents; it is suspected that the Site is used for container storage operation; and there is another vehicle park near the Site without many residences.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning permission for temporary public vehicle park (excluding container vehicles) at the Site zoned "V". 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 applied use is not entirely in line with the planning intention of the "V" zone. Nevertheless, DLO/YL of LandsD advised 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.



- 12.2 The development is considered not incompatible with the surrounding land uses which are predominantly rural in character with residential structures/dwellings, and vacant/unused land (**Plan A-2**). According to the applicant, the public vehicle park can serve the nearby residents.
- 12.3 The application complies with the assessment criteria in TPB PG-No. 34C in that previous approval for the same applied use was granted in 2017 (No. A/YL-PH/746) and all approval conditions have been complied with. Compared with the last approved application, the current application submitted by the same applicant is the same in terms of use, site area and boundary, layout and number of car parking spaces. As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 12.4 Relevant government departments including C for T, DEP, CE/MN of DSD, D of FS, CTP/UD&L of PlanD have no objection to/no adverse comment on the application. To minimise any potential nuisance, approval conditions restricting the types of vehicles are recommended in paragraphs 12.2 (a) to (d) below. Besides, the applicant will be advised to follow 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 (g).
- 12.5 There are 6 similar applications for public vehicle park within the same “V” zone or straddle the same “V” and adjoining “OS” zones, which were all approved with conditions by the Committee between 1996 and 2019 as detailed in paragraphs 7.2 and 7.3 above. Approval of the application is in line with the previous decisions of the Committee.
- 12.6 Two public comments were received during the statutory publication period objecting to the application as stated in paragraph 10 above. In this regard, relevant government departments’ comments and planning considerations and assessments set out in paragraphs 12.1 to 12.5 above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments as stated in paragraph 11, the Planning Department has no objection to the temporary public car park (excluding container vehicle) for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 13.5.2020 to 12.5.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) 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;
- (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) 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 time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of the record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Board by 13.8.2020;
- (g) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) 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
- (i) if the above planning condition (f) 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.

*[The above planning conditions are largely the same as those under planning permission of previous Application No. A/YL-PH/746, except change/deletion of those on landscape, drainage and FSIs based on the comments of CTP/UD&L of PlanD, CE/MN of DSD and D of FSJ].*

13.3 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 "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.

#### Advisory Clauses

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

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning approval.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **15. Attachments**

<b>Appendix I</b>	Application form with attachments received on 9.3.2020
<b>Appendix Ia</b>	FI dated 23.3.2020
<b>Appendix Ib</b>	FI dated 14.4.2020
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines No.34C on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No.34C)
<b>Appendix III</b>	Previous Application covering the Site
<b>Appendix IV</b>	Similar Applications within the same “V” zone on Pat Heung OZP
<b>Appendix V</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan with drainage and FSIs proposals
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Plan A-1</b>	Location Plan

<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2020**