

RNTPC Paper No. A/YL-PH/856  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.11.2020

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

**APPLICATION NO. A/YL-PH/856**

<b><u>Applicant</u></b>	: Chief Force Limited
<b><u>Site</u></b>	: Lot 1685 (Part) in D.D. 111, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	: 1,570 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 is currently vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, a total of 15 private car parking spaces and 3 light goods vehicle parking spaces will be provided at the Site to serve the nearby villagers and their visitors. No structure will be erected at the Site. The operation hours will be 24 hours daily, including public holidays. No vehicle exceeding 5.5 tonnes will be allowed to park in the proposed development. The Site is accessible by Leung Shing Road and a local track leading to Kam Tin Road. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with supplementary planning (**Appendix I**) statement and plans received on 10.9.2020
- (b) Further Information received on 14.10.2020 in response (**Appendix Ia**) to 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 FI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The proposed car park is to serve the nearby residents and their visitors. This will help regulate parking in the area and improve the traffic conditions in the vicinity. No workshop-related activities will be carried out at the Site.
- (b) The proposed car park is temporary in nature and will not contravene the long-term planning intention of the “V” zone.
- (c) The Site is compatible with the surrounding area, and green fencing and planting of suitable plants along the Site boundary will be provided. No adverse traffic impact is anticipated.
- (d) There are similar applications approved by the Board in the New Territories. If the application is approved, the applicant will comply with all 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 not subject to planning enforcement action.

## 5. **Previous Applications**

The Site is not subject to any previous application.

## 6. **Similar Applications**

There are nine similar applications for temporary public / private vehicle park on seven sites in the same “V” zone or straddling the same “V” zone and adjoining “OS” zone, which were all approved with conditions by the Committee. The applications were approved for a period of 1 year, 3 years or 5 years between 1996 and 2020 mainly on similar considerations that the development would not frustrate the long-term planning intention; the applied use could meet some of the parking demand and support village type development; and the relevant departments had no adverse comment on the applications. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) vacant, partly paved and partly covered with vegetation; and
- (b) accessible to Kam Tin Road via Leung Shing Road and a local track.

7.2 The surrounding areas are rural in character intermixed with residential structures / dwellings, parking of vehicles, fallow and cultivated agricultural land, orchard, graves, open storage yard and vacant/unused land (**Plan A-2**):

- (a) to its north, east and south in the same “V” zone are residential structures / dwellings, parking of vehicles, orchard, fallow and cultivated agricultural land, graves, open storage yard and vacant / unused land;
- (b) to its west and further south in the adjacent “Agriculture” (“AGR”) zone are fallow agricultural land, open storage yard and vacant / unused land; and
- (c) to its further southwest are a local track and the Shek Kong Stabling Sidings of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL).

## 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 an Old Schedule Agricultural Lot 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, Highways Department (CHE/NTW, HyD):

- (a) Leung Shing Road is not maintained by HyD;
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

### **Environment**

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

- (a) There was no environmental complaint concerning 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) The FSIs proposal submitted by the applicant is considered acceptable to his department. The installation / maintenance / modification / repair work of 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 him.
- (c) In addition, the applicant is reminded that if the proposal is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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

#### 9.1.7 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) Chief Building Surveyor / New Territories West, Buildings Department;
- (b) Project Manager (West), Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services;
- (d) Chief Engineer / Construction, Water Supplies Department; and
- (e) Commissioner of Police.

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

On 18.9.2020, the application was published for public inspection. During the three-week statutory publication period, two public comments from two individuals (**Appendices III-1** and **Appendices III-2**) were received. They raise objections to the application mainly on the grounds that the proposed development would increase traffic flow in the area and affect the safety and living standard of the villagers; there are only a few houses in the village; the application is to legitimize open storage and container parking at the Site; and there is too much land in the “V” zone and the Government land therein should be rezoned for other use.

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

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years in the “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. 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 rural in character intermixed with residential structures / dwellings, fallow and cultivated agricultural land, orchard, graves and vacant/unused land. According to the applicant, the proposed car park is to serve the nearby residents and their visitors.
- 11.3 The proposed temporary car park without any structures would unlikely cause significant environmental, traffic and drainage impacts. Relevant departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimise any potential nuisance, approval conditions restricting vehicle type are recommended in paragraphs 12.2 (a) to (c) below. 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 (d) to (h) below.
- 11.4 The Site is not subject to any previous application. There are 9 similar applications for vehicle parking uses within the same “V” zone or straddling the same “V” zone and adjoining “OS” zone, which were all approved with conditions by the Committee between 1996 and 2020 as stated in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions on the similar applications.

- 11.5 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 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 account the public comments mentioned 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 6.11.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) 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;
- (b) 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;
- (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 times 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 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 6.5.2021;
- (f) in relation to (e) 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 6.8.2021;



- (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 6.5.2021;
- (i) if any of the above planning condition (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 condition (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 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 the planning intention, even on a temporary basis.

### **13. Decision Sought**

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

**14. Attachments**

<b>Appendix I</b>	Application form with supplementary planning statement and plans received on 10.9.2020
<b>Appendix Ia</b>	FI received on 14.10.2020
<b>Appendix II</b>	Similar applications within the same “V” zone of the Site on the Pat Heung OZP
<b>Appendices III-1 and III-2</b>	Public comments received during the statutory publication period
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout 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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**