

RNTPC Paper No. A/YL-KTN/737  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 18.12.2020

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

**APPLICATION NO. A/YL-KTN/737**

<b><u>Applicant</u></b>	: Mr. TANG Kam Leung represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 171 S.A RP (Part) and 171 S.B (Part) in D.D.109, Kam Hing Wai, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	: 1,178 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<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 5 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 5 years. According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans A-2 and A-4**).
- 1.2 According to the applicant, a total of 26 parking spaces including 24 for private cars and 2 for light goods vehicles will be provided to serve the nearby villagers and residents. No structure will be provided within the Site. The operation hour is 24 hours daily, including public holidays. Medium or heavy goods vehicles exceeding 5.5 tonnes will not be parked at the Site. The Site is accessible from Chi Ho Road. The site 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 plans received on 23.10.2020 (Appendix I)
- (b) Further Information (FI) received on 14.12.2020 in (Appendix Ia) response to departmental 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 application form and FI at **Appendix I** and **Ia**. They can be summarized as follows:

- (a) The proposed development is to provide sufficient legal parking spaces to bring convenience to nearby locals and ease illegal parking in Kam Hing Wai area.
- (b) The development is on a temporary basis and will not frustrate the long-term planning intention. It is not incompatible with the surrounding land uses. There is also a similar approved application and approval of the application will not set an undesirable precedent.
- (c) Adequate maneuvering space for vehicles will be provided within the Site. The development will not cause significant adverse traffic, environmental, landscape and drainage impacts on surrounding areas.

## **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 sending notice to the Kam Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

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

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Application**

- 6.1 There is one similar application for temporary public vehicle park (excluding container vehicle) for a period of 5 years within the same “V” zone. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 17.8.2018 mainly for the reasons that temporary approval would not frustrate the long-term planning intention; and relevant departments consulted had no adverse comments on the application. Details of the application are summarized in **Appendix II** and its location is shown on **Plan A-1**.
- 6.2 There is an application for proposed temporary eating place and public vehicle park (excluding container vehicle) for a period of 3 years (Application No. A/YL-KTN/717) at the same “V” zone to be considered at the same meeting.

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

- 7.1 The Site is:
- (a) paved and vacant; and
  - (b) accessible from Chi Ho Road.
- 7.2 The surrounding area is rural in character predominated by residential dwellings/structures, storage yards, parking of vehicles and vacant/unused land:
- (a) to its west are residential dwellings/structures of Kam Hing Wai, a storage yard and a temple;
  - (b) to its north are parking of vehicles and vacant/unused land;
  - (c) to its east are residential dwellings/structures, a storage yard and vacant land; and
  - (d) to its immediate south is unused land and further south are Chi Ho Road and Kam Tin River.

## **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. 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 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) There is no small house application approved or being processed at 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) His department shall not be responsible for the maintenance of any access connecting the Site and Chi Ho Road.

- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads or 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 three 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 in-principle objection to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions on submission, implementation and maintenance of a 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 application 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.
- (c) The applicant is reminded that if the proposed structure(s) 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.

### **Building Matters**

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorized building works (UBW) under the Buildings Ordinance (BO).
- (b) 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.
- (c) Before any demolition works are to be carried out on the Site, prior approval and consent of the BA should be obtained. An Authorized Person (AP) should be appointed as the co-ordinator for the demolition works in accordance with the BO. Should the AP confirm the works fall into the Minor Works Control System (MWCS), then the applicant may proceed with the works under the MWCS. For details of the submission procedure under the MWCS, the applicant may wish to visit their website.

### **Nature Conservation**

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

- (a) Based on aerial photo, the Site is largely paved with some trees at the periphery of the Site. Kam Tin River is located to the south of the Site. He has no adverse comment on the application from nature conservation perspective.
- (b) Should the application be approved, the applicant shall be advised to avoid adverse impact on the trees and the nearby watercourse.

### **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 locals' comment on the application and has no comment from departmental point of view.

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

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

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

On 30.10.2020, the application was published for public inspection. During the three-week statutory publication period, two public comments from individuals were received (**Appendices IIIa and IIIb**). The comments object to the application mainly on the ground that the development will increase traffic flow and affect safety and living quality of the villagers; there is adequate provision of parking in the village; and brownfield and open storage uses near villages should not be supported.

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

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 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 the “V” zone. Nevertheless, DLO/YL, LandsD advised that there is no Small House application approved or under processing at the Site. It is considered that temporary approval for 5 years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The proposed use is for 24 private car and 2 light goods vehicle parking spaces without any structure and is located at the fringe of the “V” zone adjoining Chi Ho Road. It is considered not incompatible with the surrounding area which is rural in character predominated by residential dwellings/structures and vacant/unused land. According to the applicant, the proposed use is intended to serve the nearby villagers and residents.
- 11.3 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 the vehicle type is recommended in paragraph 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 imposition of appropriate approval conditions in paragraph 12.2 (d) to (k) below.

- 11.4 The Site is not subject to any previous application. There is one similar application for temporary public vehicle park for a period of 5 years within the same “V” zone approved by the Committee in 2018 mainly for the reasons as stated in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decision.
- 11.5 Two public comments were received during the statutory publication period objecting to the application as set out in paragraph 10 above. In this regard, the departmental comments as well as 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 taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the proposed temporary public vehicle park (excluding container vehicle) for a period of 5 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 5 years until 18.12.2025. 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) 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;
- (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) 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 18.6.2021;
- (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 18.9.2021;
- (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 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 18.6.2021;
- (i) in relation to (h) 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 18.9.2021;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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 advisory clauses are in **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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

**13. Decision Sought**

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

**14. Attachments**

<b>Appendix I</b>	Application form with plans received on 23.10.2020
<b>Appendix Ia</b>	FI received on 14.12.2020
<b>Appendix II</b>	Similar application within the same “V” zone on the Kam Tin North OZP
<b>Appendices III-a and III-b</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 application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2020**