

RNTPC Paper No. A/YL-KTN/634  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 16.11.2018

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

**APPLICATION NO. A/YL-KTN/634**

- Applicant** : Mission Hills Management Services Limited
- Site** : Lots 3307 RP (Part), 3308 RP (Part), 3312 RP, 3313 RP (Part)  
and 4202 RP (Part) in D.D. 104, Long Ha, San Tin, Yuen Long
- Site Area** : About 994m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use) and  
New Grant Lot for House and Agricultural Purposes
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No.  
S/YL-KTN/9
- Zoning** : “Comprehensive Development Area”  
[restricted to a maximum plot ratio of 0.4 and a maximum  
building height of 4 storeys]
- Application** : Proposed Temporary Private Car Park 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 for a period of 3 years. The Site is paved, fenced and currently vacant (**Plans A-2 to A-4**).
- 1.2 The Site was involved in four previous applications (No. A/YL-KTN/292, 326, 393 and 492) all for temporary private car park for a period of three years approved with conditions by the Rural and New Town Planning Committee (the Committee) on 28.3.2008, 5.6.2009, 21.12.2012 and 4.12.2015 respectively. All the approval conditions under the last application (No. A/YL-KTN/492) have been complied with and the planning permission is valid until 21.12.2018.
- 1.3 According to the applicant, a total of 5 car parking spaces for private cars will be provided on site. The temporary private car park is operated 24 hours on Saturdays, Sundays and public holidays and no operation on weekdays. It is only reserved for the applicant’s staff car-parking purpose. The Site is accessible via a local track branching off San Tam Road. The layout plan as submitted by the applicant is in **Drawing A-1**.

- 1.4 A comparison of the major development parameters of the current application and the last approved application (No. A/YL-KTN/492) is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application No. A/YL-KTN/492</b>	<b>Current Application</b>	<b>Difference (b)-(a)</b>
Site Area (m <sup>2</sup> )(about)	1,300	994	-306 (-24%)
Applied Use	Renewal of Planning Approval for Temporary Private Car Park for a Period of 3 Years	Proposed Temporary Private Car Park for a Period of 3 Years	no change
No. of Parking Spaces: Private Car	5	5	no change
No. of Structures	2 (security booth and an electricity hut)	-	-2 (-200%)

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

- (a) Application Form with plans received on 2.10.2018 **(Appendix I)**
- (b) Further Information (FI) received on 25.10.2018 **(Appendix Ia)** clarifying the operation details and provide trip generation to the Site
- (c) FI received on 8.11.2018 clarifying the operation hours and mitigation measures to tackle possible environmental nuisance **(Appendix Ib)**

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

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

- (a) The proposed car park will only be used during weekends and public holiday for staffs when the main carpark is busy during such period.
- (b) To reduce the environmental nuisance to the surrounding residents, 'No Horn' sign has been installed at the entrance and light will be automatically switch off at 11pm.

**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 registered mail to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

As the Site is still covered by a valid planning approval (application No. A/YL-KTN/492), it is not subject to any active enforcement case.

**5. Previous Applications**

- 5.1 The Site was involved in four previous applications (No. A/YL-KTN/292, 326, 393 and 492) for temporary private car park use for a period of 3 years. The last application was submitted by the same applicant of the current application. Details of these applications and their location(s) are shown in **Appendix II** and **Plan A-1b**.
- 5.2 The said four applications were approved with conditions by the Committee on 28.3.2008, 5.6.2009, 21.12.2012 and 4.12.2015 for the reasons that the development was not incompatible with the surrounding land uses; the approval on temporary basis would not frustrate the planning intention of the “CDA” zone; relevant departments had no adverse comments; and the departmental and public concern on environmental impact could be addressed by appropriate approval conditions. However, the first approval was revoked on 28.9.2008 due to non-compliance with approval conditions related to provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on the site, submission and implementation of landscape and drainage proposals. All the approval conditions under the last application No. A/YL-KTN/492 (related to the submission of existing drainage record and submission and implementation of fire service installations proposal) have been complied with. The approval of the last application is still valid until 21.12.2018.
- 5.3 Compared with the last approved application No. A/YL-KTN/492, the current application is submitted by the same applicant for the same use with a slightly smaller site area, similar layout, same number of parking spaces but with deletion of 2 structures.

## **6. Similar Applications**

- 6.1 There are five similar applications (No. A/YL-KTN/291, 325, 385, 479 and 533) for temporary private car park at a site located to the south of the Site within the same “CDA” zone on the OZP. Details of the applications are summarized in **Appendix III** and the location of the site is shown on **Plan A-1**.
- 6.2 Application No. A/YL-KTN/291 for temporary private car park for a period of 3 years was approved with conditions by the Committee on 28.3.2008 for the reasons that the development was not incompatible with the surrounding land uses; the approval on temporary basis would not frustrate the planning intention of the “CDA” zone; relevant departments had no adverse comments; and the departmental and public concern on environmental impact could be addressed by appropriate approval conditions. However, the application was revoked on 28.9.2008 due to non-compliance with approval conditions related to provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on the site and provision of fire extinguisher.
- 6.3 Applications No. A/YL-KTN/325, 385, 479 and 533 all for temporary private car park for a period of 3 years were approved with conditions by the Committee on 5.6.2009, 5.10.2012, 18.9.2015 and 12.8.2016 respectively on similar considerations as mentioned in paragraph 6.2 above. However, Application no. A/YL-KTN/479 was revoked on 6.1.2016 due to non-compliance with approval condition on submission of existing drainage record.

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

- 7.1 The Site is:
- (a) paved, fenced and currently vacant;
  - (b) covered by a valid planning permission under Application No. A/YL-KTN/492; and
  - (c) accessible via a local road branching off San Tam Road.
- 7.2 The surrounding areas are mixed with an open storage yard, parking lot, warehouse, cultivated/ fallow agricultural land, scattered residential dwellings/structures and vacant/unused land. Most of the open storage/ storage yards are suspected unauthorized developments subject to enforcement action by the Planning Authority :
- (a) to its west are San Tam Road and San Tin Highway;
  - (b) to its north are fallow/cultivated agricultural land and residential dwellings/structures ;

- (c) to its immediate east are a residential dwelling/structure and parking of vehicle. To the further east are open storage yard, cultivated agricultural land and unused land; and
- (d) to its south across a local road is a private car park with valid planning permission under Application No. A/YL-KTN/533. Some residential dwellings/structures are located to its southeast.

## **8. Planning Intention**

The “CDA” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

## **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 and a New Grant Lot for house and agricultural purposes, LandsD reserves the right of the lot(s), in the event of any breach of the lease conditions and any irregularities found at the lot(s).
- (b) The Site is accessible from San Tam Road via a local access through both Government land (GL) and private land. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) A 400kV Overhead Powerlines from Yuen Long Substation to Ta Kwu Ling Border held by China Light and Power Company Limited (CLP) is affected. Thus, CLP’s comments should be sought.

- (e) Should planning approval be given to the planning application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity 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 the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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.

9.1.2 Comments of the Chief Estate Surveyor/Railway Development, LandsD (CES/RD, LandsD) :

The Site falls within “Railway Development Strategy 2014 Northern Link and Kwu Tung Station Limit of Area of Influence”. Provided that the development would not pose obstacles to the acquisition of land for the implementation of the Northern Link (the NOL) project, he has no strong view against the application.

**Traffic**

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

- (a) He has no comment on the application from the traffic engineering point of view.
- (b) No vehicle is allowed to queue back to or reserve onto/from public road at any time during the planning approval period and only private car is allowed to access the Site.
- (c) The Site is connected to the public road network via a section of a local access which are not managed by Transport Department (TD). The land status of the local access road should be clarified 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.

9.1.4 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD does not and will not maintain any access connecting the Site and San Tam Road. The applicant should be responsible for his own access arrangement.

- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) The portion of adjacent Slope No. 2SE-C/C273 under HyD's maintenance should not be affected.

9.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

- (a) He has no objection to the application from railway development point of view.
- (b) The applicant should be reminded that part of the Site falls within the area of influence of the proposed NOL. Although the programme and the alignment of the proposed NOL, including its route protection boundary, are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL.

### **Environment**

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

- (a) There was no environmental complaint received in the past 3 years in respect of the Site.
- (b) Should the application be approved, 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**

9.1.7 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 point of view.
- (b) The Site is the subject of four previous applications for private car park which were approved by the Committee between 2008 and 2015. The last application No. A/YL-KTN/492 for the same use, to which she has no objection to the application, was approved with conditions by the Committee in 2015.

- (c) Compared the aerial photo of 2015 to the latest aerial photo of 2018, there is no significant change in the rural landscape characters where the Site is located. The surrounding area comprises of temporary structures, car parks, farmland and some tree groups. The proposed use is considered not incompatible with the landscape setting in proximity.
- (d) According to the site visit in October 2018, the Site was hard paved and fenced off. Some sections of the fencing at the western and northern edges of the Site was damaged or collapsed. Existing trees located at the eastern and northern parts of the Site were generally in fair condition, except one fallen tree at the northeastern part of the Site. As all existing trees are located along the boundary of the Site, no significant landscape impact arising from the proposed temporary use is anticipated.
- (e) Should the application be approved, the condition on submission and implementation of landscape proposal is recommended for inclusion in the planning permission.
- (f) Detailed comments are at **Appendix IV**.

### **Drainage**

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

- (a) He has no in-principle objection to the development from the public drainage point of view.
- (b) Presumably, the applicant would maintain the drainage proposal that was implemented under the previous Application No. A/YL-KTN/492. The applicant should inform PlanD if the drainage proposal is changed.
- (c) Should the application be approved, conditions requiring the applicant to maintain the drainage facilities implemented under application No. A/YL-KTN/492 and to submit records of the existing drainage facilities on the Site should be included in the planning permission.

### **Water Supply**

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 centreline 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 BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (b) 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.
- (c) 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.
- (d) For UBW erected on leased land, enforcement action may be taken by 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.

## Electricity

### 9.1.11 Comments of the Director of Electrical and Mechanical Services Department (DEMS):

- (a) There are 400kV extra high voltage overhead lines running across the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). He has no in-principle objection to the application subject to the following conditions pertaining to electricity supply safety and reliability, being strictly complied by the applicant and its contractors:
  - (i) The applicant should refer to the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 - Utility Services of the HKPSG and ensure they shall be maintained at any time during and after construction.
  - (ii) No scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines.
  - (iii) In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming.
  - (iv) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.
  - (v) As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interface to some electronic equipment in the vicinity, if any.

**Nature Conservation**

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

As the Site has been used for similar purposes approved by the Committee in the past, he has no comment on the application from nature conservation point of view.

**District Officer's Comments**

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

He has no comment on the application.

**Others**

- 9.1.14 Comments of the Commissioner of Police (C of P):

He has no comment on the application subject to no activities in any form, whatsoever associated with Parallel Trading/ General Merchandize Operations activities or illicit refuelling activities or other illegal activities.

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

- (a) Project Manager(West), Civil Engineering and Development Department (PM(W), CEDD); and
- (b) Director of Fire Services (D of FS).

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

On 9.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 30.10.2018, no comment was received.

**11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed temporary private car park within the "CDA" zone for a period of 3 years. The planning intention of the "CDA" zone is for comprehensive development/ redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. Although the proposed private car park is not in line with the planning intention of the "CDA" zone, there is no known development programme to implement the "CDA" zone. It is considered that approval of the application on a temporary basis of 3 years would not frustrate the long-term planning intention of the "CDA" zone.

- 11.2 The proposed development is considered not incompatible with the surrounding areas which are mixed with parking of vehicles, an open storage yard, active/fallow agricultural land, residential dwellings/structures and vacant/unused land. There are also five similar applications at a site locate to the south of the Site for temporary private carpark use approved with conditions by the Committee between 2008 to 2015 as stated in paragraph 6 above.
- 11.3 The development is the subject of four previous approvals (No. A.YL-KTN/292, 326, 393 and 492) for the same use as the current application which were approved with conditions by the Committee between 2008 to 2015 (paragraphs 5.2 and 5.3 and **Plan A-1b** refer). Compared with the last approved application No. A/YL-KTN/492, the current application is subject to the same number of parking spaces and slightly reduced site area and deletion of 2 structures. All approval conditions of the last approved application in relation to submission of existing drainage record and submission and implementation of FSIs proposals have been complied with. As previous approvals have been granted at the Site and that there is no major change in planning circumstance since the last planning approval, sympathetic consideration could be given to the current application.
- 11.4 Relevant departments consulted including DEP, CE/MN of DSD, D of FS, CTP/UD&L of PlanD and C for T have no adverse comment on the application. To minimise the potential nuisance, approval conditions restricting the operation hours and the types of vehicles, prohibiting workshop-related activities, maintenance existing fencing and mitigation measures are recommended in paragraph 12.2 (a) to (d), (g) and (h) 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, CTP/UD&L of PlanD and CE/MN of DSD, could be addressed by imposition of appropriate approval conditions in paragraph 12.2 (e), (f), (i) to (l) below.
- 11.5 No public comment was received during the statutory publication period.

## **12. Planning Department’s View**

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the proposed temporary private car park 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 16.11.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no operation on Mondays to Fridays (*except public holidays*), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (c) no vehicle other than private car is allowed to access 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 only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;
- (e) 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;
- (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 boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the maintenance of the existing mitigation measures to minimize any possible nuisance of noise and artificial lighting on-site to the residents nearby at all times during the planning approval period;
- (i) the existing drainage facilities at the Site shall be maintained at all times during the planning approval period;
- (j) the submission of landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.5.2019;
- (k) in relation to (j) above, the implementation of landscape proposal within **6 9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.8.2019;
- (l) the submission of condition records of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.2.2019;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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
- (n) if any of the above planning conditions (j), (k) or (l) 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 "CDA" zone which is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 2.10.2018
<b>Appendix Ia</b>	FI received on 25.10.2018
<b>Appendix Ib</b>	FI received on 8.11.2018
<b>Appendix II</b>	Previous application covering the application site on the Kam Tin North OZP

<b>Appendix III</b>	Similar application within the same “CDA” zone on the OZP
<b>Appendix IV</b>	Detailed comments from CTP/UD&L of PlanD
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1a</b>	Location Plan with similar applications
<b>Plan A-1b</b>	Previous Application Plan
<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  
NOVEMBER 2018**