

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1077

<u>Applicant</u>	: Mr. HO Sung Sing represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lot 38 (Part) in D.D. 110, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 1,758m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is hard paved, fenced-off and largely vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Po Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves 37 parking spaces for private cars and six parking spaces for light goods vehicle without any covered structure (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with concrete of about 0.1m in depth (to a level of about 13.1mPD) for site formation and vehicular circulation (**Drawing A-2**). Fencing will be erected to separate the Site from its adjoining site to the east. No open storage, storage of unlicensed vehicle, car beauty services, vehicle repairing, dismantling or other workshop activities will be involved at the Site. The proposed use will be operated 24 hours daily including Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 19.12.2024 (**Appendix I**) and 24.12.2024
- (b) Further Information (FI) received on 10.3.2025* (**Appendix Ia**)
- (c) FI received on 10.4.2025* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

1.4 On 14.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) The proposed use is intended to meet the parking demand of nearby village residents and business operators as illegal parking is common in the vicinity. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved in the vicinity of the Site.
- (b) Sufficient space will be provided for vehicle manoeuvring within the Site and infrequent trip generation is anticipated. Adverse impacts are not anticipated.
- (c) The proposed vehicle park will be operated by the applicant who has no relationship with the open storage use at the adjoining site to the east, and fencing will be erected to separate it from the Site.

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. 31B) by publishing notices in local newspapers and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Southern part of the Site is currently subject to active planning enforcement action (No. E/YL-KTN/719) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice was issued on 24.12.2024 requiring discontinuation of the UD by 24.2.2025. Latest site inspection on 11.4.2025 revealed that the Site was largely vacant.

The Site is still under monitoring. If the notice is not complied with, prosecution action would be considered.

5. Previous Applications

The Site is the subject of two previous applications (No. A/YL-KTN/672 and 909), both covering a larger site area for temporary animal boarding establishment and approved with conditions by the Committee in 2019 and 2023 respectively, and the planning permissions under which were subsequently revoked due to non-compliance with approval conditions. Considerations of the two previous applications are not relevant to the current application due to different use involved. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are seven similar applications (No. A/YL-KTN/710, 827, 888, 915, 961, 1025 and 1089) for temporary vehicle park (including four renewals of temporary approval granted, three with filling of land, and one also involving storage use) within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2020 and 2025 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention or could be tolerated; the proposed/applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions.
- 6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
 - (a) hard paved, fenced-off and largely vacant; and
 - (b) accessible from Kong Po Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, residential structures, grassland, woodland, farmland and vacant land. The village settlement of Tai Kong Po is about 100m to the southwest of the Site (**Plans A-1 and A-3**).

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also

intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

- 8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided at **Appendices III** and **IV** respectively.

- 9.2 The following government department supports the application:

Traffic

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

- (a) supports the application from traffic engineering perspective to address the local demand; and
 - (b) advisory comments are at **Appendix IV**.
- 9.3 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 27.12.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm and Botanic Garden and an individual, both objecting to the application mainly on the grounds that the approval conditions under the previous application at the Site were not complied

with; there may be unauthorized uses at the Site; there may be potential impacts on the Agricultural Priority Areas; the proposed use is not in line with the planning intention of the “AGR” zone; and the Site is not near village residences (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective. Nonetheless, according to the applicant, the proposed use is intended to serve the village residents and business operators nearby and C for T supports the application to address the local demand. Taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years with associated filling of land.
- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of open storage/storage yards, residential structures, grassland, woodland, farmland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 There are seven approved similar applications for temporary vehicle park within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments mentioned in paragraph 10, the departmental comments and planning assessments 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, PlanD has no objection to the application.
- 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 three years until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a 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 2.11.2025;
- (b) in relation to (a) above, the implementation of the 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 2.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a 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 2.11.2025;
- (e) in relation to (d) above, the implementation of the 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 2.2.2026;
- (f) if the above planning condition (c) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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; and
- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are 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 use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification 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

Appendix I	Application Form with attachments received on 19.12.2024 and 24.12.2024
Appendix Ia	FI received on 10.3.2025
Appendix Ib	FI received on 10.4.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2025**