

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1093

<u>Applicant</u>	: Mr. TANG Tsz Mo represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 1750A9 (Part) and 1905 RP (Part) in D.D. 107, Cheung Chun San Tsuen, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 1,702m ²
<u>Lease</u>	: New Grant No. YL254 and YL533 for agricultural purpose
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Comprehensive Development Area (1)” (“CDA(1)”) [restricted to a maximum plot ratio (PR) of 1.2 and a maximum building height (BH) of 16 storeys]
<u>Application</u>	: Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) for a period of five years at the application site (the Site), which falls within an area zoned “CDA(1)” on the OZP (**Plan A-1**). According to the Notes of the OZP for “CDA” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is partly fenced-off, paved and occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves 32 open-air parking spaces for private car and one single-storey structure with height of about 3m and floor area of about 18m² for ancillary office. Vehicles without valid licence are not allowed to be stored and goods vehicles (including light, medium and heavy goods vehicles) are not allowed to enter or park at the Site. The applied use operates 24 hours daily, including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is the subject of two previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/837 for the same applied use submitted by the same applicant which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, and the planning permission was revoked in 2024 due to non-compliance with approval conditions. Compared with the last application, the current application involves a slight increase in site area (+34m² / +2%) but remains the same in terms of layout and other development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 4.2.2025 (Appendix I)
 - (b) Further Information (FI) received on 7.3.2025* (Appendix Ia)
 - (c) FI received on 28.5.2025* (Appendix Ib)
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 28.3.2025, the Committee 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 applied use is intended to temporarily serve the nearby residents and business operators. The temporary use will not frustrate the long-term planning intention of the “CDA(1)” zone. The applied use is not incompatible with the surrounding land uses and there were similar applications approved in the vicinity of the Site.
- (b) Sufficient space is allowed for vehicle manoeuvring within the Site. Adverse traffic and environmental impacts are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.

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 posting site notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. **Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/YL-KTN/604 and 837). Application No. A/YL-KTN/604 covering nearly the entire “CDA(1)” zone for proposed comprehensive residential development was approved with conditions by the Committee in 2019¹, and its considerations are not relevant to the current application due to different use involved.
- 5.2 Application No. A/YL-KTN/837 for the same applied use submitted by the same applicant as the current application was approved with conditions by the Committee in 2022 mainly on the considerations that the proposed use on a temporary basis would not jeopardise the implementation of the comprehensive residential development in the “CDA(1)” zone; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals. Compared with application No. A/YL-KTN/837, the current application involves a slight increase in site area but remains the same in terms of layout and other development parameters as mentioned in paragraph 1.3 above.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Application**

There is one similar application (No. A/YL-KTN/960) for temporary public vehicle park within the same “CDA(1)” zone in the vicinity of the Site in the past five years, which was approved with conditions by the Committee in 2023 mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) partly fenced-off, paved and occupied by the applied use without valid planning permission; and
 - (b) accessible from Shui Mei Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouse, parking of vehicles (valid planning permission) residential structures and vacant land. To the north across a nullah and Shui Mei Road is a medium-rise residential development namely Park Yoho (**Plan A-2**).

¹ The validity of the planning permission was extended to 22.3.2027.

8. Planning Intention

The “CDA(1)” 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 Apart from the government department as set out in paragraph 9.2 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 in **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 for parking spaces; and
- (b) advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 11.2.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the approval conditions under the previous application were not complied with and there is no justification for the current application (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (excluding container vehicle) for a period of five years at the Site zoned “CDA(1)” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “CDA(1)” zone, the subject “CDA(1)” zone is largely covered by the approved application No. A/YL-KTN/604 for proposed comprehensive residential development and the implementation of which is still subject to land acquisition. According to the applicant, the applied use is intended to temporarily serve the nearby residents and business operators. C for T supports the application from traffic engineering perspective as it could address the local demand for parking spaces. It is considered that approving the application on a temporary basis would not

jeopardise the implementation of the approved comprehensive residential development or the long-term planning intention of the “CDA(1)” zone. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis of five years.

- 11.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of open storage/storage yards/warehouse, parking of vehicles, residential structures 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 arising from the applied use is not anticipated.
- 11.3 Other relevant government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services (D of FS), 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 applied use.
- 11.4 The Site is the subject of a previously approved application (No. A/YL-KTN/837) for the same applied use submitted by the same applicant as detailed in paragraph 5.2 above. Whilst the planning permission was revoked in 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals, the applicant has submitted drainage and FSIs proposals in support of the current application and the submitted FSIs proposal is considered acceptable by D of FS. In this regard, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 There is one approved similar application within the same “CDA(1)” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comment as 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 comment 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 five years until 18.7.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 18.1.2026;
- (b) in relation to (a) above, the implementation of the revised 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 18.4.2026;
- (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 implementation of the accepted 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 18.4.2026;
- (e) 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; and
- (f) if any of the above planning condition (a), (b) or (d) 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 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 applied use is not in line with the planning intention of the "CDA(1)" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. 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 4.2.2025
Appendix Ia	FI received on 7.3.2025
Appendix Ib	FI received on 28.5.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

PLANNING DEPARTMENT
July 2025