

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KTN/79

<u>Applicant</u>	Grand Leader Property Agency Limited represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	Lots 706 S.A (Part), 707 S.C (Part), 707 S.D (Part), 707 S.E, 707 S.F, 707 S.G, 707 S.H, 707 S.I, 707 S.J, 709 S.A ss.8 (Part), 710 S.A, 710 S.B, 710 S.C, 710 S.D, 710 S.E, 710 RP and 711 S.A in D.D. 92, Kwu Tung North, New Territories
<u>Site Area</u>	2,195 m ² (about)
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/2
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars and light goods vehicles only) at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “Village Type Development” (“V”) on the approved Kwu Tung North OZP No. S/KTN/2 (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Yin Kong Road. The ingress/egress point is located at the northern boundary of the Site (**Plan A-2**). According to the applicant’s submission, the application includes a total of 71 parking spaces (67 for private car and 4 for light goods vehicle), and 2 temporary single-storey structures, each with a covered land area of 14.6 m², (i.e 29.2 m² in total) and a height of about 2.6 m for a guardroom and a storeroom (**Drawing A-1**).
- 1.3 The Site solely involves parking of private cars and light goods vehicles (LGVs). No medium or heavy goods vehicles over 5.5 tonnes or container tractors/trailers will be allowed. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with attachment received on 22.7.2021 (Appendix I)
- (b) Further Information (FI) of 27.8.2021 (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**. They are summarized as follows:

- (a) The public vehicle park serves the villagers and residents in the vicinity and reduces the illegal road side parking problem. The Site solely involves parking of private cars and LGVs, no car beauty, car washing, car repairing, car dismantling or other workshop activities will be conducted at the Site.
- (b) The applied use is compatible with the surrounding environment and no adverse environmental impact is anticipated. No significant adverse visual impact is anticipated from the one-storey structures.
- (c) Most of the cars stay at the car park during weekdays. The operation hours are from 7 a.m. to 10 p.m. daily. No significant adverse traffic impact to Yin Kong Road and Castle Peak Road is anticipated.

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 notice at the subject site and sending letter to the concerned Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Most part of the Site is currently subject to planning enforcement action (No. E/NE-KTN/190) (**Plan A-2**) against unauthorized development (UD) involving storage use (including deposit of containers) and use for place for parking of vehicles. Enforcement Notice was issued on 4.5.2021 to the concerned notice recipients requiring discontinuation of the UD by 4.8.2021. The concerned notice recipients may be subject to prosecution action.

5. Previous Application

The Site does not involve any previous application.

6. Similar Application

There is no similar application on the same “V” zone.

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

7.1 The Site is:

- (a) fenced off and being used for the applied use without planning permission;
- (b) accessible to Yin Kong Road; and
- (c) currently used as a carpark, with a few temporary structures in the Site.

7.2 The surrounding areas are rural in character (Plan A-2**) :**

- (a) to the immediate east is the village cluster of Yin Kong Village within the same “V” zone;
- (b) to its north across Yin Kong Road is the planned Long Valley Nature Park being implemented by CEDD;
- (c) to its immediate west is fallow agricultural land, further west across Yin Kong Road there are a few residential houses and some warehouses; and
- (d) to its south is a site zoned “Comprehensive Development Area” (“CDA”) for residential development, which is currently occupied by Enchi Lodge being used as a drug addiction treatment centre.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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 Town Planning 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/North, Lands Department (DLO/N, LandsD):

- (a) The lots in the Site are Old Schedule Lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own

arrangement for acquiring access to the application site, and there is no guarantee that any adjoining Government Land will be allowed for vehicular access to the application site for the proposed use.

- (b) It is noted that there are unauthorized structures erected on the application lots without prior approval from his office. His office reserves the right to take necessary lease enforcement actions against these structures.
- (c) The Site falls within the village environs for “Yin Kong” and not covered by any modification of Tenancy/Building Licence. There is no outstanding small house application received or being processed on the Site by his office. His office has no comment on the application from Small House Policy perspective.

Traffic

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

The application is tolerable from traffic engineering viewpoint.

9.1.3 Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

He has no comment on the application. Yin Kong Road is not maintained by HyD.

Environment

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

There was no environmental complaint concerning the Site received in the past 3 years. 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 the Director of Environmental Protection.

Landscape

9.1.5 Comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

The application site falls within “V” zone and is non-landscape sensitive zoning. No significant landscape impact arising from the proposed development is anticipated.

Drainage

9.1.6 Comments of Chief Engineer/Mainland North, DSD (CE/MN of DSD):

- (a) He has no objection in principle to the application from the public drainage viewpoint.

- (b) Should the application be approved, a condition requiring the submission and implementation of drainage proposal for the Site should be included to ensure that it will not cause adverse drainage impact to the adjacent areas.
- (c) His advisory comments are included in **Appendix III**.

Fire Safety

9.1.7 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 being provided to the satisfaction of his department.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required and the submission requirements are at **Appendix III**.

District Officer's Comments

9.1.8 Comments of the District Officer/North, Home Affairs Department (DO/N, HAD):

He has consulted the locals on the application. The North District Council (NDC) member of the subject Constituency, the Resident Representative (RR) of Yin Kong and the Indigenous Inhabitant of Yin Kong supported the application. The Chairman of Sheung Shui District Rural Committee and the Chairman of Fung Shui Area Committee had no comment on the application.

9.2 The following Government departments have no adverse comment on/ objection to the application, and their advisory comments, if any, are at **Appendix III**:

- (a) Project Manager/North, Civil Engineering and Development Department (CEDD)
- (b) Head of Geotechnical Engineering Office, CEDD
- (c) Chief Engineer/Construction, Water Supplies Department
- (d) Commissioner of Police
- (e) Chief Building Surveyor/New Territories West, Buildings Department
- (f) Director of Agriculture, Fisheries and Conservation

10. Public Comments Received During Statutory Publication Period

The application was published for public inspection on 30.7.2021. A total of 3 public comments from individuals were received. One indicated no comment (**Appendix II-1**). Another two (**Appendices II-2 & II-3**) object to the application mainly on the grounds that the proposal would bring adverse impact on traffic, environment, safety and living quality as well as increasing fire risk; there is no need for additional parking for local residents, and it appears to be a 'Destroy to Build' scenario.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for temporary public vehicle park (private cars and light goods vehicles only) for a period of 3 years at the Site zoned “V” on the approved KTN OZP No. S/KTN/2. The planning intention of “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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. The applied use is not entirely in line with the planning intention of the “V” zone. DLO/N, LandsD has advised that there is no Small House grant application approved or being processed at the Site. It is considered that the application for temporary use for 3 years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The applied temporary vehicle park is considered not incompatible with the surrounding area, which is rural in character predominated by village houses, warehouses and fallow agricultural land, and the future Nature Park to the north. According to the applicant, the vehicle park is to serve villagers/residents in the vicinity and reduces the illegal road side parking problem.
- 11.3 C for T considers that the application is tolerable from traffic engineering point of view. Other relevant Government departments including DEP, D of FS, CE/MN, DSD and CTP/UD&L, PlanD have no adverse comment on the application. To minimise any possible environmental nuisance, approval conditions restricting the vehicle type is recommended in paragraph 12.2 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 CE/MN, DSD and D of FS are proposed as approval conditions in paragraph 12.2.
- 11.4 There is no previous application covering the Site and no similar application in the same “V” zone.
- 11.5 There are 3 public comments received as stated in paragraph 10. In this regard, the relevant departmental comments as well as planning considerations and 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, the Planning Department has no objection to the applied temporary public vehicle park (private cars and light goods vehicles only) 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 10.9.2024. The following approval conditions and advisory clauses are 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 any time 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 fire services 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 10.3.2022;
- (f) in relation to (e) above, the provision of fire services installations 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 10.6.2022;
- (g) 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 10.3.2022;
- (h) in relation to (g) 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 10.6.2022;
- (i) if any of the above planning conditions (a), (b), (c), or (d) is not complied with during the planning approval period, the approved hereby given shall cease to have effect and shall be revoked without further notice; and
- (j) if any of the above planning conditions (e), (f), (g) 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 at **Appendix III**.

- 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 intentions of the "V" zone, which 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 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. Attachment

Appendix I	Application form with attachment received on 22.7.2021
Appendix Ia	Further Information submitted by the applicant on 27.8.2021
Appendix II-1 to II-3	Public Comments
Appendix III	Advisory Clauses
Drawing A-1	Layout Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**