

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/58

- Applicant** : Chow Keung Transportation Company Limited
- Site** : Lot 396 in D.D. 87, Hung Lung Hang, New Territories
- Site Area** : 1,886 m² (about)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Lung Hang Outline Zoning Plan No. S/NE-HLH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Private Vehicle Park (Medium Goods Vehicle Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary private vehicle park (medium goods vehicle only) for a period of 3 years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use without planning permission.
- 1.2 According to the applicant, there will be a single-storey temporary structure (not exceeding 2.6 m in height) with a total floor area of about 15 m² for office use. A total of 7 medium goods vehicle parking spaces will be provided within the Site (**Drawing A-1**). The operation hours of the Site are between 8:00 a.m. and 7:00 p.m. daily. The Site is accessible from a local track leading to Kong Nga Po Road (**Plan A-1**). The proposed layout plan is shown on **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/NE-HLH/36) submitted by the same applicant for a proposed temporary logistics centre for a period of 3 years. Details of the previous application is set out in paragraph 5 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | |
|--|------------------------|
| (a) Application Form with Attachments received on 5.7.2022 | (Appendix I) |
| (b) Supplementary Information (SI) received on 8.7.2022 | (Appendix Ia) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I** and **Ia** respectively, as summarized below:

- (a) the company was originally located in Kwu Tung, however the said site would be resumed as part of the North East New Territories New Development Area;
- (b) in view of the above, the applicant purchased the current application site in 2018 as an alternative site to minimize the said impact on the business operation; and
- (c) in view of the decline of the logistics industry and the surge of COVID-19 cases affecting the company's business operation in recent years, the applicant urgently needs to use the Site to accommodate the company's vehicles as an interim measure to address the aforesaid problems.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is the subject of a planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers) and parking of vehicles. An Enforcement Notice (EN) (No. E/NE-HLH/144) was issued on 23.5.2022 requiring discontinuation of the UD by 23.6.2022. As revealed in recent site inspection, UD had not been discontinued upon expiry of the notice, prosecution action may be followed.

5. Previous Application

- 5.1 The Site is the subject of a previous planning application (No. A/NE-HLH/36) submitted by the same applicant for a different use (i.e., proposed temporary logistics centre) for a period of 3 years. The application was rejected by the Rural and New Town Planning Committee (the Committee) on 6.9.2019.
- 5.2 Details of the previous application are summarized at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the same “AGR” zone in the vicinity of the Site in the past 5 years.

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

7.1 The Site is:

- (a) flat, paved and fenced off;
- (b) currently used for a vehicle park with some medium goods vehicles parked on the Site without valid planning permission; and
- (c) accessible from Kong Nga Po Road via a local track (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) rural character mixed with open storage, storages uses, clusters of tree groups, fallow agricultural land, and vacant/unused land;
- (b) to its north are fallow agricultural land, to its further north are open storage yards;
- (c) to the immediate east and west are fallow agricultural land and vacant/unused land; and
- (d) to the south are vacant land and open storage of containers.

8. Planning Intention

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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraph 9.2 below, other government 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 are provided at **Appendices III** and **IV** respectively.

9.2 The following government departments have the following comments on the application.

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

- (a) he has reservation on the application from traffic engineering perspective as the applicant fails to advise the width of the vehicular access; and the vehicular access should be not less than 7.3m wide. Further information should be provided for his consideration;
- (b) there is insufficient information to demonstrate that there is no adverse traffic impact on the surrounding areas; and
- (c) the vehicular access between the Site and the local track leading to Man Kam To Road is not managed by the Transport Department. The applicant should seek comment from the responsible party.

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

- (a) he does not support the application from agricultural perspective; and
- (b) agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water sources are available. The Site possesses potential for agricultural rehabilitation and can be used for other agricultural activities such as open-field cultivation, greenhouses, plant nurseries.

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

- he has consulted the locals regarding the application. The First Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of San Uk Ling object to the application mainly on the grounds that the Site is situated on a narrow road and there are not enough ancillary facilities to support the application; and the development would deteriorate traffic congestion problems in the area. The RR of Sheung Shan Kai Wat objects to the application. The incumbent North District Councillor of N16 Constituency, the IIR and RR of Lei Uk, and the RR of Tai Po Tin have no comment on the application.

10. Public Comments Received During Statutory Publication Period (Appendix V)

On 12.7.2022, the application was published for public inspection. During the statutory public inspection period, three public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The remaining two comments submitted by an individual and the Kadoorie Farm and Botanic Garden Corporation object to the application mainly on the grounds that the applied use is not in line with the planning intention of the “AGR” zone; approval of the application might set an undesirable precedent for similar applications in the vicinity; the development would generate adverse traffic and environmental impacts on the surrounding areas; and the Site is involved in UD.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary private vehicle park (medium goods vehicles only) for a period of 3 years at the Site zoned “AGR” on the OZP. The applied use is considered 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. DAFC does not support the application from the agricultural point of view as the Site possesses potential for agricultural rehabilitation, and there are active agricultural activities in the vicinity, and agricultural infrastructure such as road access and water sources are available. There are no strong planning justifications to justify a departure from the planning intention of “AGR” zone, even on a temporary basis.

- 11.2 The Site is hard-paved and situated in an area of rural character mixed with open storages, temporary structures, fallow agricultural land and vacant/unused land. The applied use is considered not incompatible with the surrounding land uses (**Plan A-3**). Significant adverse impact on existing landscape resources arising from the development is not anticipated. In this regard, CTP/UD&L, PlanD has no objection to the application from landscape planning perspective.
- 11.3 The temporary vehicle park involves 7 parking spaces for medium goods vehicles. C for T has reservation on the application from traffic engineering perspective as the applicant fails to provide information in terms of the vehicular access and to demonstrate that the applied use will not generate adverse traffic impacts to the surrounding areas. Other relevant departments consulted, including CE/C, WSD, D of FS and CE/MN of DSD have no adverse comment on/objection to the application.
- 11.4 The Site is the subject of a previous planning application submitted by the same applicant for a different use (i.e., proposed logistics centre) for a period of 3 years which was rejected by the Committee in 2019.
- 11.5 Regarding the local and public comments on the application as detailed in paragraphs 9.2.3 and 10 above, government departments' comments and planning assessments above are relevant. Regarding the UD at the Site, relevant enforcement action is being undertaken by the Planning Authority.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local and public comments as detailed in paragraphs 9.2.3 and 10 above, the Planning Department does not support the application for the following reasons:
- (a) the development 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the development would not cause adverse traffic impact on the surrounding areas.
- 12.2 Alternatively, 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 26.8.2025. The following conditions of approval and advisory clauses are 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 26.2.2023;
- (b) in relation to (a) above, the provision of drainage facilities 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 26.5.2023;

- (c) in relation to (b) above, the implemented drainage facilities at the Site should be maintained at all times during the planning approval period;
- (d) the submission of proposals for water supplies for fire-fighting and fire service installations 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 26.2.2023;
- (e) in relation to (d) above, the implementation of proposals for water supplies for fire-fighting and fire service 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 26.5.2023;
- (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; and
- (g) if any of the above planning conditions (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.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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.

14. Attachments

Appendix I	Application Form received on 5.7.2022
Appendix Ia	SI received on 8.7.2022
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**