

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

**APPLICATION NO. A/NE-KLH/633**

- Applicant** : Mr. LI Sai Hang represented by Toco Planning Consultants Limited.
- Site** : Lot 645 RP (Part) in D.D. 9, Yuen Leng, Tai Po, New Territories
- Site Area** : About 925.45m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Public Vehicle Park (PVP) (Private Car Only) and Electric Vehicle (EV)-Charging Station for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary PVP (private cars only) and EV-charging station for a period of three years. The Site falls within “AGR” zone on the Kau Lung Hang OZP (**Plans A-1 and A-2**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, fenced off and hard paved (**Plan A-4**).
- 1.2 According to the applicant, the Site comprises a total of 20 parking spaces (5m (L) x 2.5m (W) each) solely for private EVs (**Drawing A-1**). All parking space will be equipped with EV-charging facilities (i.e. one direct current (DC) charger and 19 alternating current (AC) chargers to suit different types of EVs). The proposed use also involves two H-Pole switchgear demarcations as well as one single-storey structure with a maximum size of 2.65m (W) x 4.4m (L) x 2.5m (H) at the Site for accommodating the meter-cabinet and supporting facilities (**Drawing A-1**). According to the applicant, the PVP will serve Yuen Leng Villagers and operates 24 hours daily. It is accessible via a local track leading to Tai Wo Service Road East. The site layout and swept path analysis plan submitted by the applicant are shown in **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 14.8.2023 (Appendix I)
- (b) Supplementary Information (SI) received on 18.8.2023 (Appendix Ia)
- (c) Further information (FI) received on 25.9.2023<sup>^</sup> (Appendix Ib)
- (d) FI received on 24.11.2023<sup>#</sup> (Appendix Ic)
- (e) FI received on 12.3.2024<sup>^</sup> (Appendix Id)
- (f) FI received on 17.4.2024<sup>#</sup> (Appendix Ie)

<sup>^</sup> accepted and exempted from publication

<sup>#</sup> accepted but not exempted from publication

1.4 On 13.10.2023 and 12.1.2024, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application each for two months.

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

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

- (a) the proposed EV-charging station is in line with the government policy's initiative to promote the adoption of EVs and their associated supporting facilities in Hong Kong. The Environment and Ecology Bureau (EEB)'s suggestions for installing quick chargers or providing charging space for commercial EVs (excluding light goods vehicles) will be considered. Details of provision of EV-charging facilities are set out at **Appendix Ib**. CLP Power Hong Kong has confirmed that there is sufficient electricity supply for the proposed EV-charging facilities;
- (b) there is a lack of car parking spaces within charging facilities in Yuen Leng village, in which most of the land in "Village Type Development" ("V") zone are occupied by residential developments, village tracks, footpaths, green areas, etc. There is no suitable land identified within the "V" zone for car parking use. The proposed use is intended to meet the genuine demand for parking spaces and EV-charging facilities to serve the Yuen Leng Villagers;
- (c) the Site is suitable for the proposed uses since it is accessible by vehicles, paved and is located in close proximity to the village; the proposed use is compatible with the surroundings and will not result in any significant traffic, environmental, drainage, sewerage and landscape impacts. Considering that the proposed use is temporary in nature, approval of the subject application will not set an undesirable precedent and frustrate the long-term planning intention of the "AGR" zone;
- (d) the Site has been hard paved for many years without any agricultural activities and future agricultural development programme. Removing the existing hard paved land would be environmental-unfriendly and costly. Besides, there are non-agricultural uses under Column 1 of the "AGR" zone which are always

permitted. The proposed use could better utilise the Site for more desirable alternative uses. Besides, Agriculture, Fisheries and Conservation Department (AFCD) has inconsistent comments on some previous applications from agricultural point of view;

- (e) to minimize any potential impacts on water gathering grounds (WGGs) resulting from the installation works, a set of mitigation measures and management practices are proposed at **Appendices Ic to Ie**. These include displaying signage for alerting not to pollute WGGs; as well as regular cleaning and sweeping of road surface, open areas and U-channels and catch-pits; and
- (f) in response to the objecting public comments, it is clarified at **Appendix Ib** that the proposed use is not subject of illegal occupation of land and will not obstruct emergency vehicular access (EVA). Also, a supporting letter from Indigenous Inhabitant Representatives (IIRs) of Yuen Leng with 63 signatures from villagers is attached.

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

The applicant is not the “current land owner” of the Site 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) in that current land owner’s consent has been obtained. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to active planning enforcement action.

### **5. Previous Application**

There is no previous application at the Site.

### **6. Similar Application**

There is no similar application within the same “AGR” zone in the past five years.

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

#### **7.1 The Site:**

- (a) is currently vacant, fenced off and was hard paved before the land filling

clause<sup>1</sup> under the OZP was imposed;

- (b) falls within the upper indirect WGGs; and
- (c) is accessible via a local track connecting to Tai Wo Service Road East.

7.2 The surrounding areas are predominantly rural in character comprising village houses, active agricultural land and vacant land to the east and north, plant nursery to the immediate south and East Rail Line to the west.

## **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 department as set out in paragraph 9.2 below, all 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 II** and **III** respectively.

9.2 The following government bureau has no objection to the application:

### Policy Aspect

9.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) supports the applicant’s proposal and has no objection to the application from EV-charging point of view since the proposed use is in line with the government policies and directives in promoting the wider use of EVs in Hong Kong;
- (b) according to the Chief Executive’s 2022 Policy Address, the Government aims to announce a roadmap for the promotion for the promotion of electric public transport and commercial vehicles by 2025 and introduce about 3,000 electric taxis by end-2027. A comprehensive quick charging network is needed to effectively support the operations of electric commercial vehicles (e.g. electric light goods vehicles) and public transport (e.g. electric taxis) and achieve the aforesaid target. In this connection, he suggests the applicant to consider installing quick chargers (e.g. with output power of 100kW or higher) at the Site and open up a certain

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<sup>1</sup> According to the Notes of the OZP, any filling of land within the “AGR” zone shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Kau Lung Hang OZP No. S/NE-KLH/9 (i.e. 1.4.2005) without the permission from the Board.

number of charging spaces for electric commercial vehicles for use, e.g. electric taxis and electric light goods vehicles, to act in concert with his aforesaid policy directions; and

(c) his advisory comments are set out at **Appendix III**.

9.3 The following government department does not support the application:

Agriculture

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

- (a) the application is not supported from agricultural point of view; and
- (b) agricultural infrastructures such as road access and water sources are available. As the Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries etc., the Site possesses potential for agricultural rehabilitation.

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

10.1 On 22.8.2023, 8.12.2023 and 30.4.2024, the application was published for public inspection. During the statutory public inspection period, 282 comments was received, including 266 supportive comments from the Chairman, 1<sup>st</sup> Vice-chairman, 2<sup>nd</sup> Vice-chairman and members of Tai Po Rural Committee; IIRs of Yuen Leng, Tai Wo and Kau Lung Hang Villages, Yuen Leng Villagers and other individuals (**Appendix IVa**); and 16 objecting comments received from Tai Po Yuen Leng Village Residents' Association and individuals (**Appendix IVb**). Their major grounds of public views are summarized as follows:

Supporting Views (266)

10.2 The Site has long been paved without vegetation; there are insufficient car parking spaces and increasing demand for EV-charging facilities in the village; the proposed use could help relieve illegal roadside parking; promotion of using EVs could reduce pollution; and no adverse impacts on WGGs would be incurred.

Objecting Views (16)

10.3 The proposed use has no valid planning permission and is an unauthorized activity; the Site falling within "AGR" zone should be reinstated prior to planning application; the proposed use is not in line with the planning intention of "AGR" zone; effluent, air, light and water pollution; adverse drainage, traffic, ecological and environmental impacts; adverse impacts on fire and pedestrian safety; electricity supply concerns; and the proposed use obstructs nearby EVA.

## **11. Planning Considerations and Assessment**

- 11.1 This applicant seeks planning permission for proposed temporary PVP (private cars only) and EV-charging station for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**), which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC does not support the application from agricultural development point of view as the Site possesses potential for agricultural rehabilitation. While the proposed use is not in line with the planning intention of the “AGR” zone, SEE supports the proposed use equipped with EV-charging facilities as it is in line with the government policy and directions in promoting wider use of EV. It is also noted that the Site was already hard paved before the land filling clause under the OZP was imposed on 1.4.2005. Taking into account the assessment below, approval of the application on a temporary basis for a period of three years could be tolerated.
- 11.2 The Site is located in an area which is predominantly rural in character intermixed with village houses, active agricultural land and plant nursery (**Plans A-2 and A-3**). In terms of the scale and intensity, the proposed use is considered not entirely incompatible with the surrounding areas. Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning point of view and considers that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.
- 11.3 The Site falls within the upper indirect WGGs. Chief Engineer/Construction of Water Supplies Department has no further comment on the application, having reviewed the proposed preventive measures to protect the WGGs in the applicant’s submissions, and advises that the applicant shall provide a risk assessment report to prove and demonstrate that there will be no material increase in pollution effect and contamination to the WGGs resulting from the proposed use. Other relevant departments including the Commissioner for Transport, the Director of Fire Services, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to or no adverse comment on the application.
- 11.4 Regarding the objecting public comments as detailed in paragraph 10 above, comments of government departments and the planning assessment 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, the Planning Department considers that the proposed temporary use 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 7.6.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time, as proposed by the applicant, during the planning approval period;
- (c) 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 7.12.2024;
- (d) in relation to (c) 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 7.3.2025;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a proposal 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 7.12.2024;
- (g) in relation to (f) above, the provision of 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 7.3.2025;
- (h) the submission of a risk assessment report on contamination of Water Gathering Grounds within **6** months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 7.12.2024;
- (i) in relation to condition (h) above, the implementation of mitigation measures identified therein within **9** months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 7.3.2025;
- (j) if any of the above planning condition (a), (b) or (e) 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
- (k) if any of the above planning condition (c), (d), (f), (g), (h) or (i) 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 III**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the proposed use is not in line with the planning intention of the "Agriculture" 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 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**

<b>Appendix I</b>	Application form with attachments received on 14.8.2023
<b>Appendix Ia</b>	SI received on 18.8.2023
<b>Appendix Ib</b>	FI received on 25.9.2023
<b>Appendix Ic</b>	FI received on 24.11.2023
<b>Appendix Id</b>	FI received on 12.3.2024
<b>Appendix Ie</b>	FI received on 17.4.2024
<b>Appendix II</b>	Government departments' general comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Appendix IIIa</b>	Requirements for the fireman's emergency switch
<b>Appendix IV</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Drawing A-2</b>	Swept path analysis plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos