

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/NE-LYT/827

<u>Applicant</u>	:	Supreme Style Limited
<u>Site</u>	:	Lot 1495 S.B RP in D.D. 76, Ng Uk Tsuen, Sha Tau Kok Road, Fanling, New Territories
<u>Site Area</u>	:	About 921.4m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary public vehicle park (PVP) (private cars and light goods vehicles (LGVs)) for a further period of three years. The Site 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 three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission granted under Application No. A/NE-LYT/749 until 20.7.2024.
- 1.2 According to the applicant, 34 private car and/or LGV parking spaces (5m (L) x 2.5m (W) each) are provided at the Site. No structure will be erected. The Site is accessible via Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of six previously approved applications (No. A/NE-LYT/352, 414, 495, 556, 645 and 749) for the same use. The last four applications were submitted by the same applicant as the current application. Compared with the last previous application (No. A/NE-LYT/749), the site layout and key development parameters of the current application remain unchanged. All the

approval conditions under the last previous application had been complied with.

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

- (a) Application Form received on 24.4.2024 (Appendix I)
- (b) Further information (FI) received on 5.6.2024* (Appendix Ia)
- (c) FI received on 2.7.2024* (Appendix Ib)

**accepted and exempted from publication and recounting requirements*

1.5 On 21.6.2024, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer a decision on the application 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 and FI at **Appendices I to Ib** as summarized below:

- (a) the Site is currently used as a temporary PVP for private cars and LGVs, which is compatible with the surrounding areas;
- (b) boundary fence erected on the adjacent Government land (GL) has been removed;
- (c) there is a lack of parking spaces in the vicinity of the Site, and the applied use is intended to serve the nearby residents;
- (d) the intended number and types of vehicles to be parked as well as operation of the temporary PVP will be the same as the last previous application (No. A/NE-LYT/749). All the approval conditions imposed under the previous planning permission had been complied with; and
- (e) the fire service installations (FSIs) at the Site has been replaced, and the existing drainage facilities and peripheral planting at the Site will be properly maintained.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB-PG No. 34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of six previous applications (No. A/NE-LYT/352, 414, 495, 556, 645 and 749) (**Plan A-2**) submitted by two different applicants for the same use. The last four previous cases (No. A/NE-LYT/495, 556, 645 and 749) were submitted by the same applicant as the current one. All of the previous applications were approved by the Rural and New Town Planning Committee (the Committee) between 2007 and 2021 mainly on considerations that the applied use was not incompatible with the surrounding land uses; there were no significant adverse traffic, drainage, environmental and landscape impacts on the surrounding areas; and no adverse comment was received from relevant government departments.
- 6.2 The last previous application (No. A/NE-LYT/749) was approved by the Committee on 25.6.2021 for a further period of three years until 20.7.2024, and all the approval conditions had been complied with. Compared with this previous application, the site layout and development parameters of the current one remain unchanged.
- 6.3 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are five similar applications (No. A/NE-LYT/698, 699, 712, 741 and 768) involving three sites for temporary PVP within the “AGR” zone in the vicinity of the Site on the Lung Yeuk Tau and Kwan Tei South OZP in the past five years (**Plan A-1**).
- 7.2 Three of the applications (No. A/NE-LYT/712, 741 and 768) were approved by the Committee between 2019 and 2022 mainly on similar considerations as stated in paragraph 6.1.
- 7.3 The remaining two applications (No. A/NE-LYT/698 and 699) were rejected by the Committee in 2019 mainly on the grounds that the developments were not in line with the planning intention of the “AGR” zone; and the applicant failed to demonstrate that the developments would not cause adverse traffic impact on the surrounding areas.
- 7.4 Details of the similar applications are summarized at **Appendix IV** and the locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
 - (a) flat, hard paved and partly fenced off;
 - (b) currently occupied by the applied use with valid planning permission; and

(c) accessible via Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**).

8.2 The surrounding areas are predominantly rural in character with village houses, temporary structures, farmlands, vegetated areas and tree clusters. To its immediate southeast is Tan Shan River. To its north across Sha Tau Kok Road – Ma Mei Ha is the village cluster of Hung Leng. To the further southeast is the village cluster of Ng Uk Tsuen.

9. 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.

10. Comments from Relevant Government Departments

10.1 All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

10.2 District Officer (North) of the Home Affairs Department (DO(N), HAD) has relayed the following local views and comments on the application:

- three members of North District Council (NDC) support the application. The Chairman, First Vice-chairman and Vice-chairman of Fanling District Rural Committee and the Residential Representative (RR) of Kan Tau Tsuen object to the application mainly on the grounds of significant adverse traffic impact; higher risk of traffic accidents; and aggravating flooding in the area. Six NDC members and the Chairman of Lung Shan Area Committee indicate no comment on the application.

11. Public Comments Received During Statutory Publication Period

On 12.12.2023, the application was published for public inspection. During the statutory public inspection period, five public comments were received. One comment from a NDC member indicates no comment on the application (**Appendix VIIa**). Four comments from the Chairman, First Vice-chairman and Vice-chairman of Fanling District Rural Committee and the RR of Kan Tau Tsuen object to the application (**Appendix VIIb**) mainly on the grounds of significant adverse traffic impact, higher risk of traffic accidents, and aggravating flooding in the area.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary PVP (private cars and LGVs) for a further period of three years at the Site zoned “AGR” on the OZP. While the applied use is not in line with the planning intention of the “AGR” zone as detailed in paragraph 9, Director of Agriculture, Fisheries and

Conservation Department has no strong view on the renewal application as the previous application for the same use at the Site was approved. Taking into account the above as well as the planning assessments below, renewal of the applied use for a further period of three years could be tolerated.

- 12.2 The Site is currently hard paved and partly fenced off (**Plan A-4**). It is situated in an area of rural inland plains landscape character comprising mainly village houses, temporary structures, farmlands, vegetated areas and tree clusters (**Plans A-2 and A-3**). The applied use is considered not incompatible with the surrounding environment. Significant adverse impact on the landscape character and existing landscape resources within the Site arising from the applied use is not anticipated. Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the renewal application from landscape planning perspective.
- 12.3 According to the applicant, 34 parking spaces for private cars and LGVs are provided within the Site. Such use is not anticipated to cause significant adverse traffic, environmental, landscape and drainage impacts or fire risks on the surrounding areas. Commissioner for Transport has no in-principle objection to the application from traffic engineering perspective. The application would not involve heavy vehicles and container trucks. Director of Environmental Protection has no comment on the application and advises that no environmental complaint related to the Site was received in the past three years. Other relevant government departments consulted including Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no adverse comment on or no objection to the application.
- 12.4 The Site is the subject of six previous applications (No. A/NE-LYT/352, 414, 495, 556, 645 and 749) (**Plan A-1**) for the same use, which were all approved by the Committee between 2007 and 2021 mainly on considerations as stated in paragraph 6.1 above. All approval conditions of the last previous application (No. A/NE-LYT/749) had been complied with and the planning permission is valid until 20.7.2024. The site layout and key development parameters of the current application remain the same as this previous application. There are also three approved similar applications within the “AGR” zone in the vicinity of the Site (**Plan A-1**). Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 In view of the above, the current application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the previous application; no major adverse departmental comments on the renewal application; all the approval conditions under the previous approval have been complied with; and the three-year approval period sought is the same as the previous approval and is considered not unreasonable.
- 12.6 Regarding the local comments conveyed by DO(N) of HAD and public comments on the application as detailed in paragraphs 10.2 and 11, government departments’ comments and planning assessments above are relevant.

13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments and the local views/comments as conveyed by DO(N), HAD in paragraphs 11 and 10.2 respectively, the Planning Department considers that the temporary development could be tolerated for a further period of three years.
- 13.2 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, and be renewed from 21.7.2024 until 20.7.2027. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.10.2024;
- (c) the existing fire service installations implemented on the site shall be maintained at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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
- (e) if the above planning condition (b) 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 VI**.

- 13.3 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 "AGR" zone which is primarily to retain and safeguard good 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 submission for a departure from the planning intention, even on a temporary basis.

14. **Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant

or refuse to grant the permission.

14.2 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.

14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 24.4.2024
Appendix Ia	FI received on 5.6.2024
Appendix Ib	FI received on 2.7.2024
Appendix II	Relevant extract of TPB-PG No. 34D on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Government department's general comments
Appendix VI	Recommended advisory clauses
Appendices VIIa and VIIb	Public comments
Drawing A-1	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 2024**