

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-PK/289

- Applicant** : Green Energy Sai Kung Limited
- Site** : Lots 508 RP (Part), 509, 510 S.A, 510 RP, 512 (Part), 513 S.B, 513 S.C and 513 RP in D.D. 222, Pak Kong, Sai Kung, New Territories
- Site Area** : About 1,676m²
- Land Status** : Old Schedule Agricultural Lots held under Block Government Lease
- Plan** : Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Electric Vehicle Charging Station with Ancillary Facility (for a Period of Three Years) and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) and electric vehicle charging station with ancillary facility for a period of three years and associated filling of land at the application site (the Site). The Site falls within an area zoned “GB” on the approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 (the OZP) (**Plan A-1**). According to the Notes of the OZP, temporary public vehicle park (excluding container vehicle) not exceeding a period of three years and filling of land in “GB” zone require planning permission from the Town Planning Board (the Board).
- 1.2 The Site is mainly flat and currently vacant, and is adjoining a stream course at its north-western edge. It is partly covered with grass and weeds, and a few abandoned caravans, some debris, and an excavator are deposited at the northern portion of the Site (**Plan A-4**). It is accessible via a village road branches off Pak Kong Road (**Plan A-2**). The proposal comprises 30 private car parking spaces (5m x 2.5m), two light goods vehicle parking spaces (7m x 3.5m), and one 1-storey (not more than 6m in height) temporary container structure with gross floor area of about 60m² for staff office and common room purposes. All parking spaces will be equipped with electric vehicle charging station. The Site is proposed to be filled with asphalt of 0.2m in depth. The proposed ingress/egress point is located

at the southeast of the Site and the proposed vehicle park will be operated 24 hours daily (including public holidays). The master layout plan, land filling plan, fire service installation plan, and vehicular access plan submitted by the applicant are at **Drawings A-1 to A-4**.

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

- | | |
|-----------------------------------------------------------------------------|----------------------|
| (a) Application form received on 27.7.2023 | (Appendix I) |
| (b) Further Information (FI) received on 29.8.2023 | (Appendix Ia) |
| <i>[accepted and exempted from publication and recounting requirements]</i> | |

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** and **Ia** respectively. They can be summarised as follows:

- (a) the number of electric cars has increased substantially in recent years and there has been a surging demand for charging facilities in the territory. The proposed development is in response to the Government's policy of promoting electric vehicles by providing parking spaces with charging infrastructure, which will facilitate the long term development of electric vehicles in Hong Kong;
- (b) the proposed vehicle park is designed with sufficient manoeuvring space. No parking is allowed on the existing emergency vehicle access (EVA) to the south of the Site. It is estimated that trip generation per day of the proposed vehicle park is 64, which will not significantly increase the traffic of surrounding areas. Overall, there will be no traffic impact on Pak Kong Road and the surrounding areas;
- (c) the proposed vehicle park will not cause any impact on the surrounding developments. Soundproof fence will be installed and asphalt paving will be used to mitigate noise caused by vehicle moving. No strong lights will be used, and no tree felling will be required for the proposed development. Air quality impact arising from the proposed vehicle park is also not anticipated. As the proposed vehicle park will mainly serve residents and their family members in the surrounding villages, there should be no security concerns;
- (d) to enhance fire safety, fire service installations as well as fireman's emergency switch to cut off power supply in case of emergency will be installed at the Site (**Drawing A-3**); and
- (e) upon approval of the current application, the applicant will seek permission for Short Term Waiver for the temporary structure from the Lands Department (LandsD). As the proposed uses are temporary in nature, the proposed development will not frustrate the long term planning intention of the "GB" zone.

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. 31A) by posting site notice and sending notice to relevant rural committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

- 4.1 The Site is not subject to any active planning enforcement action. Should there be sufficient evidence that there is unauthorized development under the Town Planning Ordinance, planning enforcement actions would be undertaken as appropriate.
- 4.2 According to the District Lands Officer/Sai Kung, LandsD, lease enforcement actions were carried out against the unauthorized structures at part of the Site in 2019 and 2023 respectively with warning letters registered in the Land Registry. Nevertheless, the concerned unauthorized structures were found removed during their site inspection on 14.8.2023.

5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within Green Belt zone under Section 16 of the Town Planning Ordinance’ (the TPB Guidelines) are relevant to this application. The relevant assessment criteria are summarised in **Appendix II**.

6. **Previous Application**

Part of the Site was the subject of a previous application No. A/SK-PK/1 for proposed 10 three-storey village-type houses rejected by the Board on review on 20.1.1995, which is not relevant to the current application. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-2**.

7. **Similar Application**

There is one similar application No. A/SK-PK/256 for proposed temporary public vehicle park (excluding container vehicles) for a period of three years to the south of the Site within the same “GB” zone on the OZP. The application was rejected by the Rural and New Town Planning Committee (the Committee) in 2019 mainly for reasons of not in line with the planning intention of “GB” zone, not in line with the TPB-PG No. 10 and approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. Details of the similar application are summarised at **Appendix IV** and its location is shown on **Plan A-2**.

8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3a, and photo on Plan A-4)

8.1 The Site is:

- (a) mainly flat and currently vacant, and is adjoining a stream course at its north-western edge;
- (b) partly covered with grass and weeds, and a few abandoned caravans, some debris and an excavator are deposited at the north; and
- (c) accessible via a village road branches off Pak Kong Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate south is an existing village road which is also part of the EVA of Pak Kong;
- (b) to the immediate east, south and north within the same “GB” zone are mainly land covered by trees and vegetation intermixed with some village houses and temporary structures;
- (c) to the further west are clusters of village houses of Pak Kong, within which there are three car park areas; and
- (d) to the further east across Pak Kong Road is another “GB” zone and the Pak Kong Water Treatment Works (PKWTW) in the “Other Specified Uses (Water Treatment Works)” zone.

9. Planning Intention

- 9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities in the “GB” zone.

10. Comments from Relevant Government Bureaux/Departments

- 10.1 Apart from the government bureau/departments as set out in paragraph 10.2 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 in **Appendices V** and **VI** respectively.

10.2 The following bureau and departments have the following comments on the application.

Policy Aspect

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

- (a) supports the application from electric vehicle charging point of view since it is in line with the Government's policies and directions in promoting the wider use of electric vehicles in Hong Kong; and
- (b) according to the Chief Executive's 2022 Policy Address, the Government aims to announce a roadmap 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 and achieve the aforesaid target. In this connection, it is suggested that the applicant to consider installing quick chargers (e.g. with output power of 100kW or higher) at the Site and open up a certain number of charging spaces for electric commercial vehicles for use, e.g. electric taxis and electric light goods vehicles, to act in concert with the aforesaid policy directions on electric commercial vehicles.

Land Administration

10.2.2 Comments of the District Lands Officer/Sai Kung, LandsD:

- (a) he has concern on the application in relation to (d) and (e) below;
- (b) the Site falls on eight private lots in D.D. 222. The private lots are old schedule agricultural lots held under the block government lease, which contain the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) should planning approval be given to the current planning application, the owners of the lots will need to apply to his office for Short Term Waiver (STW) to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for erection of temporary structures will be considered. Application for any of the above will be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions as may be imposed by LandsD including the payment of fee as considered appropriate;
- (d) the proposed vehicular ingress/egress of the Site from Pak Kong Road will pass through the public pavement and a strip of government land, which is also part of Pak Kong EVA. The applicant should clarify

the access arrangement between the public road and the proposed vehicular ingress/egress point for consideration by relevant departments. The applicant should note that there is no guarantee to the grant of a right of way over government land to the Site or approval of EVA thereto. In case any government land is found to have been unlawfully occupied or excavated, enforcement action in accordance with the Land (Miscellaneous Provisions) Ordinance (Cap. 28) will be taken by the Government; and

- (e) lease enforcement actions were carried out against the unauthorized structures at part of the Site in 2019 and 2023 respectively with warning letters registered in the Land Registry. Nevertheless, the concerned unauthorized structures were found removed during their site inspection on 14.8.2023.

Urban Design and Landscape

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

Landscape

- (a) the Site is situated in an area of miscellaneous rural fringe landscape character predominated by scattered tree groups and Small Houses. A utility plant (i.e. PKWTW) is located at the east. The proposed development is considered not entirely incompatible with the surrounding environment;
- (b) it is noted that the Site is currently vacant with no significant vegetation observed. According to the applicant, no tree felling is required for the proposed development. Significant adverse impact on landscape resources is not envisaged. There is no comment on the application from landscape planning perspective. Advisory comments are at **Appendix VI**; and

Urban Design

- (c) the Site is surrounded by existing vegetation with low-rise village settlement, namely Pak Kong, to its further north and west. To its immediate east is Pak Kong Road and to its further east is PKWTW. Given that the proposed development is low-rise (not more than 6m high) and temporary in nature, significant adverse visual impact on the area is not anticipated.

11. Public Comment Received During Statutory Publication Period

Seven public comments from individuals opposing to the application were received during the statutory public inspection period (**Appendix VII**). The major objection grounds are summarised as follows:

- (a) the proposed development is not in line with the planning intention of the “GB” zone, which should aim to protect the landscape and biodiversity of the area. The Site should be maintained as “GB” instead of converting into a vehicle park;
- (b) it is observed that there are existing trees near the peripheral of the Site which may of significant landscape value. However, there is no tree survey in the submission to ensure proper treatment and protection of these trees;
- (c) the proposed vehicle park will cause adverse impacts and nuisances in terms of traffic, noise, light, air quality, drainage, waste, fire safety, and security concerns. The proposed vehicle park will affect the standard of living of the residents in the neighbourhood;
- (d) there are plenty of parking spaces within the village proper and some villagers have already taken initiative to install their own electric vehicle charging stations. The proposed large vehicle park is considered not necessary; and
- (e) the Site is the subject of a suspected “destroy first, built later” development.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary public vehicle park (excluding container vehicle) and electric vehicle charging station with ancillary facility for a period of three years and associated filling of land. The Site falls within the “GB” zone on the OZP which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Besides, filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. The proposed development and associated filling of land are not in line with the planning intention of the “GB” zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 12.2 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by scattered tree groups, temporary structures, a utility plant (i.e. PKWTW) and Small Houses. According to the TPB PG-No. 10, application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. DAFC has no comment on the application as the Site is mainly a piece of vacant land with little vegetation and CTP/UD&L considers the proposed development is not entirely incompatible with the surrounding environment. However, the Site is adjoining a stream course and the proposed development will involve filling of land by asphalt for the entire Site by about 0.2m in depth. The applicant has not provided strong justification to demonstrate that the proposed development and associated filling of land would not cause adverse drainage impacts on the adjoining stream course and the adjacent area. It is also noted that the northern part of the Site was originally covered with vegetation in the previous years (**Plan A-3b**) but the vegetation has been cleared recently (**Plan A-4**). In addition, there are three public carparks located within the “V” zone to the west of the Site (**Plan**

A-2). The applicant fails to provide strong justification for the provision of carpark to serve the nearby villages. As such, the proposed development and associated filling of land are considered not in line with the TPB PG-No. 10 in that there is neither exceptional circumstances nor very strong planning grounds to justify the proposed development, which may affect the existing natural landscape of the surrounding area. Besides, DLO/SK has concern on the application in that access arrangement between the public road and the proposed vehicular ingress/egress should be clarified, and lease enforcement actions against unauthorised structures at part of the Site were carried out in 2019 and 2023 respectively with warning letters registered in the Land Registry. Nevertheless, the concerned unauthorised structures were found removed during their site inspection in 14.8.2023.

- 12.3 SEE supports the application from electric vehicle charging point of view. Other concerned departments including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland South of Drainage Services Department, and Director of Fire Services have no objection to or no comment on the proposed development and associated filling of land from traffic, environmental, drainage and fire safety perspectives.
- 12.4 There is a similar application (No. A/SK-PK/256) for proposed temporary public vehicle park (excluding container vehicles) to the south of the Site, which was rejected by the Committee in 2019 mainly for reasons of not in line with the planning intention of the “GB” zone, not in line with TPB-PG No. 10 and approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. As such, rejecting the current application is in line with the previous decision of the Committee.
- 12.5 There are seven public comments received objecting to the application on grounds as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department does not support the application for the following reasons:
- (a) the proposed development and associated filling of land are not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis; and
 - (b) the proposed development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there is

neither exceptional circumstances nor very strong planning grounds to justify the proposed development, which may affect the existing natural landscape of the surrounding area.

13.2 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 22.9.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the application site (the Site) at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time 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 22.3.2024;
- (d) in relation to (c) 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 22.6.2024;
- (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 fire service 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 22.3.2024;
- (g) in relation to (f) above, the implementation of the 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 22.6.2024;
- (h) 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;
- (i) if any of the above planning condition (c), (d), (f) or (g) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 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.

15. Attachments

Appendix I	Application form received on 27.7.2023
Appendix Ia	FI received on 29.8.2023
Appendix II	Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)
Appendix III	Previous Application
Appendix IV	Similar Application
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Master Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Fire Service Installation Plan
Drawing A-4	Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and 3b	Aerial Photos
Plan A-4	Site Photo

**PLANNING DEPARTMENT
SEPTEMBER 2023**