

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1001

<u>Applicant</u>	: Mr. WONG Kwan Ho
<u>Site</u>	: Lot 972 S.C (Part) in D.D.107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 486m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) 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) for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently fenced, vacant and covered by grass (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Mei Fung Road via a short section of local track (**Plans A-2 and A-3**). According to the applicant, the proposed use involves 16 parking spaces for private car and an ancillary electricity meter box with a height of about 2.4m and floor area of about 2.3m² (**Drawing A-1**). The applicant also applies for proposed filling of land for the entire Site with concrete of about 0.1m in depth (to level of about 6.1mPD) for site formation and vehicular circulation. The operation hours will be 24 hours daily including Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 6.3.2024 (Appendix I)
- (b) Further Information (FI) received on 6.6.2024* (Appendix Ia)
- (c) FI received on 7.6.2024* (Appendix Ib)
- (d) FI received on 26.8.2024* (Appendix Ic)

** accepted and exempted from publication and recounting requirements*

1.4 On 19.4.2024 and 2.8.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for a period of two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic**, and can be summarised as follows:

- (a) The proposed use is intended to meet the needs for parking of private cars for the public and the residents nearby. The temporary nature of the proposed use will not frustrate the long-term planning intention of the “AGR” zone.
- (b) It is anticipated that most of the vehicles will enter and exit the Site during non-peak hours. In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals. The proposed use will not induce adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas.

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. 31B) by obtaining consent from the ‘current land owner’. Detailed information would be deposited at the meeting for Member’s inspection.

4. Background

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

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-KTN/816 and 1038) for temporary vehicle park and filling of land straddling the same “AGR” zone (and partly within the “Village Type Development” (“V”) zone) in the vicinity of the Site in the past five years. The two applications were approved with conditions by the Committee in February 2022 and September 2024 respectively, mainly on the considerations that temporary approval would not jeopardise the long-term planning intentions of the “AGR” and “V” zones or the proposed use on a temporary basis could be tolerated; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions.
- 6.2 Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) currently fenced, vacant and covered by grass; and
 - (b) accessible from Mei Fung Road via a short section of local track.
- 7.2 The surrounding areas are rural in character with an intermix of vacant land, grassland, farmland, residential structures, parking of vehicles and open storage/storage yards. To the west within 20m of the Site is the village settlement of Sha Po Tsuen under the “V” zone.

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from the Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other 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 III** and **IV** respectively.

9.2 The following government department supports the application:

Traffic

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

- (a) supports the application from traffic engineering perspective to address the local demand for parking spaces; and
- (b) detailed advisory comments are at **Appendix IV**.

9.3 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries; and
- (c) no comment from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 15.3.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received from individuals. Two individuals support the application mainly on the grounds that the location of the Site is convenient; a vehicle park is needed in the locality; and the proposed use will not induce adverse traffic impact on the surrounding areas. An individual raises concerns on the application that the Site has been used as a vehicle park for some time without previous application (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone 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. The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective. Nonetheless, according to the applicant, the proposed use is intended to serve the residents nearby and

C for T supports the application as it could help address the local parking demand. Taking into account the planning assessments below, the proposed use on a temporary basis for a period of three years could be tolerated.

- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. CE/MN of DSD also considers the submitted drainage proposal acceptable. An approval condition requiring the reinstatement of the Site upon expiry of the planning permission is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of vacant land, grassland, residential structures, parking of vehicles and open storage/storage yards. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective considering that the proposed use is not incompatible with the surroundings and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services who also considers the submitted FSIs proposal acceptable, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 There are two approved similar applications straddling the same “AGR” zone in the vicinity of the Site as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning 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, PlanD considers that the proposed use could be tolerated for a period of three 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 three years until 25.10.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 25.7.2025;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 25.7.2025;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) 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; and
- (f) upon 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 at **Appendix IV**.

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

the proposed use with associated filling of land 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. There is no strong planning justification given 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

Appendix I	Application Form with attachments received on 6.3.2024
Appendix Ia	FI received on 6.6.2024
Appendix Ib	FI received on 7.6.2024
Appendix Ic	FI received on 26.8.2024
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
OCTOBER 2024**