

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1039

<u>Applicant</u>	: Chief Force Limited
<u>Site</u>	: Lot 251 S.B (Part) in D.D. 110, Tsat Sing Kong, Yuen Long, New Territories
<u>Site Area</u>	: About 809m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plans</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11 and Approved Pat Heung OZP No. S/YL-PH/11
<u>Zonings</u>	: “Village Type Development” (“V”) (56%) [maximum building height of 3 storeys (8.23m)] “Agriculture” (“AGR”) (44%)
<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 partly zoned “V” (56%) on the approved Kam Tin North OZP No. S/YL-KTN/11 and partly zoned “AGR” (44%) on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). According to the Notes of the OZPs, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use in the “V” zone which requires planning permission from the Town Planning Board (the Board). While the proposed use is neither a Column 1 nor Column 2 use in the “AGR” zone, according to the covering Notes of the Pat Heung OZP, temporary use of any land not exceeding a period of three years requires planning permission from the Board. Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently vacant and covered by grass and shrubs (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Tin Road via local tracks (**Plans A-2 and A-3**). According to the applicant, the proposed use involves 15 parking spaces for private car (**Drawing A-1**) and no medium or heavy goods vehicle exceeding 5.5 tonnes will be involved. No dismantling, maintenance, repairing, cleaning, paint-

spraying or workshop-related activity will be carried out at the Site. The applicant also proposes filling of land for the entire Site with asphalt and cement of about 0.1m in depth (to about +14.8mPD) for site formation and vehicular circulation (**Drawing A-2**). The proposed operation hours will be 24 hours daily including Sundays and public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application form with attachments received on 22.7.2024 (**Appendix I**)
- (b) Further Information (FI) received on 2.9.2024* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

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** and can be summarised as follows:

- (a) The proposed use is intended to provide parking spaces to meet the demand of nearby villagers as illegal parking is common in the vicinity. The temporary nature of the application will not frustrate the long-term intentions of the “V” and “AGR” zones. In support of the current application, the applicant has submitted drainage and fire service installations proposals.
- (b) No medium or heavy goods vehicle exceeding 5.5 tonnes will be involved. The proposed use will generate infrequent trips. No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will be carried out at the Site. The proposed use will not induce adverse traffic, environmental and drainage impacts on the surrounding areas. The applicant undertakes to comply with the approval condition(s) should planning approval be granted.

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 posting site notice and sending notice to the Pat Heung Rural Committee. 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 covering the Site.

6. Similar Application

- 6.1 Whilst there is no similar application for temporary public vehicle park within the same “V” zone on the Kam Tin North OZP, there is one similar application (No. A/YL-PH/1008) for temporary public vehicle park with filling of land within the same “AGR” zone on the Pat Heung OZP in the vicinity of the Site in the past five years. Application No. A/YL-PH/1008 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in June 2024 mainly on the considerations that the proposed use on a temporary basis could be tolerated; it was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or their technical concerns could be addressed by approval conditions.
- 6.2 Details of the similar application is summarised in **Appendix II** and its location is 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 vacant and covered by grass and shrubs; and
 - (b) accessible from Kam Tin Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of the village settlements of Tsat Sing Kong, storage/open storage yards (including the open storage of construction material to the east and northeast of the Site with valid planning permission under application No. A/YL-PH/960), car service, grassland and vacant land.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 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. According to the Explanatory Statement of the OZP for “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 Comment Received During Statutory Publication Period

On 30.7.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the proposed use is an extension of brownfield operation (**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 “V” (56%) and “AGR” (44%) (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board. 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.
- 11.2 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. The proposed use is also not entirely in line with the planning intention of the “V” zone. In this regard, the District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved or under processing at the Site. According to the applicant, the proposed use is intended to meet the needs of villagers nearby and C for T supports the application as it could help address the local parking demand. In view of the above and taking into account the planning assessments below, the proposed use on a temporary basis for a period of three years could be tolerated.
- 11.3 Filling of land within 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 and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. An approval condition requiring the reinstatement of the “AGR” portion of the Site upon expiry of the planning permission is recommended should the Committee decide to approve the application.
- 11.4 The proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of village settlements, storage/open storage yards, car service and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department considers that significant adverse landscape impact arising from the proposed use is not anticipated and she has no objection from landscape planning perspective.
- 11.5 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government 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.

- 11.6 There is one approved similar application for temporary public vehicle park within the same “AGR” zone on the Pat Heung OZP 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 decision.
- 11.7 For the public comment 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 comment in paragraph 10, the Planning Department 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 20.9.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 20.3.2025;
- (b) in relation to (a) 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 20.6.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 20.6.2025;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the “AGR” portion 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 filling of land is not in line with the planning intentions of the "V" and "AGR" zones. The planning intention of the "V" zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government project, whilst 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. There is no strong planning justification given in the submission for a departure from the planning intentions, 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 22.7.2024
Appendix Ia	FI received on 2.9.2024
Appendix II	Similar application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan

Plan A-3 Aerial photo

Plan A-4 Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**