

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

APPLICATION NO. A/YL-KTN/1072

- Applicant** : Mr. TANG Yu Chung
- Site** : Lots 15 S.A, 15 S.B, 15 S.C, 15 S.D and 15 S.E in D.D. 109, Yuen Long, New Territories
- Site Area** : About 1,294m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”) (78%)
“Village Type Development” (“V”) (22%)
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for 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 renewal of planning permission to continue using the application site (the Site) for temporary public vehicle park (excluding container vehicle) for a period of three years and associated filling of land at the Site, which falls within an area zoned partly “AGR” (78%) and partly “V” (22%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘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), and it is neither a Column 1 nor Column 2 use in the “AGR” zone. 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 Board. Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently fenced, paved and used for the applied use with planning permission valid until 18.2.2025 (**Plans A-2 and A-4**).

- 1.2 The Site is accessible from Shui Tau Road via a local track (**Plan A-2**). According to the applicant, the applied use involves 31 parking spaces for private car without any structure. The entire Site has already been filled with asphalt of 0.01m in depth for site formation under the previous application and no further filling of land will be carried out at the Site. The operation hours are 24 hours daily, including Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application No. A/YL-KTN/816 for the same use submitted by the same applicant, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 18.2.2022 (details at paragraph 6 below). Compared with the previously approved application, the development parameters and layout under the current application remain unchanged. All approval conditions have been complied with.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 29.11.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 9.12.2024* (**Appendix Ia**)
 - (c) FI received on 20.12.2024* (**Appendix Ib**)
- * 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 FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) The applied use is intended to provide parking spaces to meet the needs of nearby villagers as illegal parking is common in the vicinity. Infrequent trip generation is anticipated.
- (b) The application is for renewal of planning permission. The applicant has complied with all the approval conditions under the previous application. In support of the current application, record of existing drainage facilities and certificate of existing fire service installations (FSIs) have been submitted.
- (c) With regard to the Small House applications within the Site, the applicant undertakes to terminate the applied use and vacate the Site when there is Small House application approved.

3. Compliance with the ‘Owner’s Consent/Notification’ Requirements

The applicant is one of the ‘current land owners’ and 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 owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelinedes

The Town Planning Board Guidelines for ‘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 the current application, the relevant extract of which is at **Appendix II**.

5. Background

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

6. Previous Application

- 6.1 The Site is the subject of a previously approved application No. A/YL-KTN/816 for the same use for a period of three years submitted by the same applicant, which was approved with conditions by the Committee on 18.2.2022 mainly on the considerations that the temporary approval would not jeopardise the long-term planning intentions of the “AGR” and “V” zones; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions. Compared with the previously approved application, the development parameters and layout remain unchanged under the current application. All the approval conditions have been complied with and the planning permission is valid until 18.2.2025.
- 6.2 Details of the previous application are summarised in **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are nine similar applications (No. A/YL-KTN/717, 737, 768, 803, 935, 985, 1001, 1038 and 1046), involving six sites, for temporary public vehicle park (No. A/YL-KTN/717, 768, 935 and 1046 also involving temporary eating place or shop and services use; and No. A/YL-KTN/985, 1001 and 1038 involving associated filling of land) within/straddling the same “V” or “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2020 and 2024 on similar considerations as mentioned in paragraph 6.1 above. The planning permissions under applications No. A/YL-KTN/717, 737 and 768 were subsequently revoked between 2021 and 2024 due to non-compliance with approval conditions.
- 7.2 Details of the similar applications are summarised in **Appendix III** and their 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) currently fenced, paved and used for the applied use with valid planning permission; and
- (b) accessible from Shui Tau Road via a local track.

8.2 The surrounding areas are rural in character with an intermix of residential structures, holiday camp, plant nurseries and parking of vehicles (with valid planning permission under application No. A/YL-KTN/1038), grassland and vacant land.

9. Planning Intentions

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

9.2 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. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from the Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 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, if any, are provided in **Appendices IV and **V** respectively.**

10.2 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 V**.

11. Public Comment Received During Statutory Publication Period

On 6.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from The Conservancy Association objecting to the application mainly on the grounds that the applied use is not in line with the planning intention of the “AGR” zone; the Site is close to country park; and there would be adverse environmental impacts (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary public vehicle park (excluding container vehicle) for a period of three years and associated filling of land at the Site zoned “AGR” (78%) and “V” (22%) (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no strong view on the renewal application from agricultural perspective. The applied use is also not entirely in line with the planning intention of the “V” zone. Whilst the District Lands Officer/Yuen Long of Lands Department advises that there are Small House applications under processing within the Site, he has no adverse comment on the renewal application. In this regard, the applicant also undertakes to terminate the applied use and vacate the Site when there is Small House application approved. According to the applicant, the applied 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 the planning assessments below, renewal of planning permission for the applied use on a temporary basis for a period of three years could be tolerated.
- 12.2 According to the applicant, the Site has already been filled for site formation under the previous application and no further filling of land will be carried out at the Site. Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) 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 to an amenity area is recommended should the Committee decide to approve the application.

- 12.3 The applied use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of residential structures, holiday camp, plant nurseries and parking of vehicles. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 12.4 Other concerned 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 departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, 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 applied use on the surrounding areas.
- 12.5 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all approval conditions under the previous application had been complied with; and the three-year approval period sought which is the same timeframe as the last approval is reasonable.
- 12.6 There are nine approved similar applications involving temporary public vehicle park within/straddling the same "AGR" or "V" zones in the vicinity of the Site as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comment mentioned in paragraph 11, the departmental comments and planning assessments 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 comment mentioned in paragraph 11 above, PlanD considers that the applied use 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 19.2.2025 to 18.2.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (b) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (c) if any of the above planning condition (a) or (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; and
- (d) 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 V**.

13.3 There is no strong reason to recommend rejection of the renewal application.

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 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 29.11.2024
Appendix Ia	FI received on 9.12.2024
Appendix Ib	FI received on 20.12.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment

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
JANUARY 2025**