

RNTPC Paper No. A/YL-KTN/764  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 28.5.2021

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/764**

<b><u>Applicant</u></b>	: Mr. TANG Chieh represented by Chief Force Limited
<b><u>Site</u></b>	: Lot 474 (Part) in D.D. 109, Pat Heung, Yuen Long, N.T.
<b><u>Site Area</u></b>	: 1,227m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years. According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans A-2 and A-4**).
- 1.2 The Site is subject to a previous application (No. A/YL-KTN/641) for proposed temporary eating place (staff canteen) for 3 years which was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 22.2.2019 until 22.2.2022.
- 1.3 According to the applicant, a total of 17 parking spaces including 12 for private cars and 5 for light goods vehicles will be provided to serve the nearby residents and workers. No structure will be provided within the Site. The operation hour is 24 hours daily, including public holidays. Medium or heavy goods vehicles exceeding 5.5 tonnes will not be parked at the Site. The Site is accessible from Kam Tin Road via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with supplementary information and **(Appendix I)** plans received on 29.3.2021
- (b) Further Information (FI) received on 20.5.2021 in **(Appendix Ia)** response to departmental comments  
*[exempted from publication requirement]*
- (c) FI received on 21.5.2021 in response to departmental **(Appendix Ib)** comments  
*[exempted from publication requirement]*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary information and FI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The proposed development is to provide sufficient parking spaces to nearby residents and workers to alleviate illegal parking and traffic congestion in the nearby area.
- (b) The development is on a temporary basis and will not frustrate the long-term planning intention. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out at the Site.
- (c) There will be no strong lighting at the Site at night time. The visitors of the proposed carpark will be reminded to turn off engine and reduce any noise. No public announcement system will be used at the Site. The nearby Season Monarch is enclosed by 2m boundary wall to prevent noise and ensure security of the residents.
- (d) Adequate maneuvering space for vehicles will be provided within the Site. The development will not cause significant adverse traffic impact on surrounding areas. Adequate greening will be provided at the Site.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 the Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

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

#### **5. Previous Application**

The Site is subject to a previous application (No. A/YL-KTN/641) submitted by a different applicant for proposed temporary eating place (staff canteen) for a period of 3 years which was approved with conditions by the Committee on 22.2.2019 mainly on the considerations that the development would not jeopardize the long-term planning intention of the “V” zone; the development was not incompatible with the surrounding land use; the proposed use was in line with the relevant assessment criteria set out under the Town Planning Board Guidelines for ‘Application for Eating Place within “Village Type Development” zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A); and relevant departments consulted have no adverse comment on the application. The planning approval is valid until 22.2.2022. Approval conditions on provision of boundary fencing and submission of drainage and fire service installations proposals have been complied with, while the conditions on implementation of these proposals have not been complied with. Details of the application are summarized in **Appendix II** and its location is shown on **Plan A-1**.

#### **6. Similar Application**

There is one similar application (No. A/YL-KTN/640) for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years within the same “V” zone. The application was approved with conditions by the Committee on 22.2.2019 mainly for the reasons that temporary approval would not frustrate the long-term planning intention of the “V” zone; the development was not incompatible with the surrounding land use; and relevant departments consulted had no adverse comments on the application. However, the planning permission was revoked due to non-compliance with approval conditions. Details of the application are summarized in **Appendix III** and its location is shown on **Plan A-1**.

#### **7. The Site and Its Surrounding Areas (Plans A-2 to A-4)**

7.1 The Site is:

- (a) paved and vacant; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding area is rural in character predominated by residential dwellings/structures, open storage/ storage yards, warehouse and vacant/unused land:

- (a) to its north are a residential development, namely Seasons Monarch, in

“Residential (Group C)2” zone and a site with planning permission for a temporary eating place;

- (b) to its west and northwest are unused land, open storage yard and a residential structure/ dwelling;
- (c) to its east are a residential dwelling/structure and an open storage yard; and
- (d) to its south are warehouse, open storage/ storage yards and unused land and to the further south are Kam Tin Road and Shek Kong Barracks.

## **8. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized 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.

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) It is noted that no structure is proposed in application.
- (c) There is no small house application approved or being processed at the Site.

### **Traffic**

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.3 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) His department shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads or drains.

**Environment**

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint concerning the Site received in the past three years.
- (b) The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize any potential environmental nuisance.
- (c) It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.

**Drainage**

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.

- (b) Should the application be approved, approval conditions on submission, implementation and maintenance of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Fire Safety**

#### 9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The submitted fire service installations proposal is considered acceptable to his department. The applicant is advised that installation/ maintenance/ modification/ repair work of fire service installation (FSI) shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

#### 9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability and demolition works may be involved for the proposed use in the application.
- (b) Before any demolition works are to be carried out on the Site, prior approval and consent of the BA should be obtained. An Authorized Person (AP) should be appointed as the co-ordinator for the demolition works in accordance with the BO. Should the AP confirm the works fall into the Minor Works Control System (MWCS), then the applicant may proceed with the works under the MWCS.
- (c) His detailed comments on UBW and temporary or licenced structures are at **Appendix V**.

### **Nature Conservation**

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

Noting the Site has been paved and is subject to a previous application approved by the Board, he has no strong view against the application from nature conservation perspective. Nevertheless, the proposed vehicular access falls within the “Conservation Area” (“CA”) zone and there is a mitigation wetland falling within the “CA” zone located immediately to the southwest of the Site. Should the application be approved, the applicant shall be reminded not to pollute the mitigation wetland and cause any damage to trees on government land in the “CA” zone.

### **District Officer’s comments**

#### 9.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any locals’ comment on the application and has no comment on the application.

#### 9.2 The following Government departments have no comment on/no objection to the application:

- (a) Director of Electrical and Mechanical Services;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Project Manager/West, Civil Engineering and Development Department; and
- (d) Commissioner of Police.

## **10. Public Comments Received During Statutory Publication Period**

On 9.4.2021, the application was published for public inspection. During the three-week statutory publication period, ten public comments from the owners/ residents of Seasons Monarch and individuals were received (**Appendices IV-1 to IV-10**). They object to the application mainly on the ground that the development is close to residence and will bring nuisance and disturb the daily life of the residents; the development would induce noise and adverse traffic, environmental, air quality, glare, fire safety and security impacts; there is already high traffic flow at Kam Tin Road and the proposed use would worsen the situation; there is no demand for public car park in the area; and the Site may be used for workshop and parking of heavy goods vehicles.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years in the “V” zone. The planning intention of the “V” zone is to reflect existing recognized 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. The proposed use is not entirely in line with the planning intention of the “V” zone. Nevertheless, DLO/YL, LandsD advised that there is no Small House application approved or under processing at the Site. It is considered that temporary approval for 3 years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The proposed use is for 12 private car and 5 light goods vehicle parking spaces without any structure. It is considered not incompatible with the surrounding area which is rural in character predominated by residential dwellings/structures, warehouse and vacant/unused land. According to the applicant, the proposed use is intended to serve the nearby residents and workers.
- 11.3 Relevant departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimise any possible environmental nuisance, approval conditions restricting the vehicle type is recommended in paragraph 12.2 (a) to (c) below. Besides, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by imposition of appropriate approval conditions in paragraph 12.2 (d) to (k) below.
- 11.4 The Site is subject to a previous application for proposed temporary eating place (staff canteen) which was approved by the Committee in 2019. There is one similar application for temporary public vehicle park (excluding container vehicle) for a period of 5 years within the same “V” zone approved by the Committee in 2019 mainly for the reasons as stated in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decision on similar application.
- 11.5 Ten public comments were received during the statutory publication period objecting to the application as set out in paragraph 10 above. In this regard, the departmental comments as well as the planning assessments and considerations 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 above, the Planning Department has no objection to the proposed temporary public vehicle park (excluding container vehicle) for a period of 3 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 3 years until 28.5.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of 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 28.11.2021;
- (f) in relation to (e) above, the implementation of 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 28.2.2022;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted 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 28.11.2021;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (g) 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

- (j) if any of the above planning conditions (e), (f) or (h) 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 advisory clauses are in **Appendix V**.

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

the proposed development is not in line with the planning intention of the "V" zone which is to reflect existing recognized 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. No strong planning justification has been 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**

<b>Appendix I</b>	Application form with plans received on 29.3.2021
<b>Appendix Ia</b>	FI received on 20.5.2021
<b>Appendix Ib</b>	FI received on 21.5.2021
<b>Appendix II</b>	Previous application covering the application site
<b>Appendix III</b>	Similar application within the same "V" zone on the Kam Tin North OZP
<b>Appendices</b>	Public comments received during the statutory publication period

**IV-1 to IV-10**

**Appendix V**      Advisory Clauses

**Drawing A-1**      Layout Plan

**Plan A-1**            Location Plan with previous and similar applications

**Plan A-2**            Site Plan

**Plan A-3**            Aerial Photo

**Plan A-4**            Site Photos

**PLANNING DEPARTMENT  
MAY 2021**