

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

**APPLICATION NO. A/YL-KTN/816**

<b><u>Applicant</u></b>	: Mr. TANG Yu Chung
<b><u>Site</u></b>	: 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
<b><u>Site Area</u></b>	: About 1,294m <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>Zonings</u></b>	: “Village Type Development (“V”) (22%) [maximum building height of 3 storeys (8.23m)]  “Agriculture” (“AGR”) (78%)
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years and Filling of Land

**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 and filling of land. 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), but 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 not exceeding a period of three years within “AGR” zone requires planning permission from the Board, notwithstanding that the use or development is not provided for in terms of the OZP. Filling of land in “AGR” zone also requires planning permission from the Board. The Site is formed, paved and currently vacant (**Plans A-2 and A-4**).
- 1.2 According to the applicant, 31 private car parking spaces will be provided at the proposed temporary car park, which will be operated on a 24-hour basis, to serve the nearby local villagers. No structure is proposed at the Site. The Site has been filled with asphalt of 0.01m in depth for site formation purpose. Medium or heavy goods vehicles exceeding 5.5 tonnes will not be parked at the Site. The

Site is accessible from Shui Tau Road. 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 supplementary information (**Appendix I**) received on 31.12.2021
  - (b) Further Information (FI) received on 14.2.2022 in (**Appendix Ia**) response to departmental 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 application form, supplementary information and FI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The proposed development is for meeting the car parking needs of the nearby local villagers, which can help resolve the illegal roadside parking issue and traffic congestion in the area. The traffic generation will not be increased as the temporary car park is not intended to serve the outsiders.
- (b) Consent had been sought from the Small House applicant for the proposed development at part of the Site.

## **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. 31A) by obtaining consent from other two “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

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

## **5. Previous Application**

The Site is not involved in any previous application.

## **6. Similar Applications**

There is no similar application for temporary public vehicle park use within the “AGR” zone in the vicinity of the Site. There are five similar applications (No. A/YL-KTN/619, 717, 737, 768 and 803) involving three sites within the same “V” zone in the vicinity of the Site for temporary public vehicle park (without filling of land) for a period of 3 or 5 years. All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between August 2018 and January 2022 mainly for the reasons that temporary approvals would not frustrate the long-term planning intention of the “V” zone; the developments were not incompatible with the surrounding land uses; relevant departments consulted had no adverse comments on the applications; and their technical concerns could be addressed through relevant approval conditions. However, the planning permissions for Applications No. A/YL-KTN/619 and 737 were revoked in 2021 due to non-compliance with approval conditions. Details of the similar applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) formed, paved and vacant; and
- (b) accessible from Shui Tau Road.

7.2 The surrounding areas is rural in character intermixed with residential structures/dwellings, parking of vehicles, caravan holiday camp, plant nurseries, an ancestral hall, ponds, grassland, woodland and vacant land:

- (a) to its north and northeast are residential dwellings/structures, parking of vehicles, a plant nursery, grassland and ponds;
- (b) to its west and northwest are grassland, a storage yard, a caravan holiday camp under approved planning application No. A/YL-KTN/693 and a vacant structure;
- (c) to its east and southeast across Shui Tau Road are residential structures/dwellings, parking of vehicles, an ancestral hall and vacant land; and
- (d) to its south are a plant nursery, a few residential dwellings/structures, a site with works in progress and vacant land.

## **8. Planning Intentions**

8.1 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.

- 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.
- 8.3 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 “AGR” zone.

## **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 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) There is a Small House application being processed at Lot 15 S.B in D.D. 109 of the Site.

### **Traffic**

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

- (a) He supports the application from traffic engineering perspective to meet the public demand for car parking spaces.
- (b) The Site is connected to the public road network via a section of local access road which is not managed by the 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. Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto / form public road at any time during the planning approval period.

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

- (a) Shui Tau Road is not maintained by HyD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site, Shui Tau Road and Chi Ho Road.
- (c) 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.

**Agriculture**

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

The Site falls within the “AGR” (about 78%) and “V” (about 22%) zones and is currently vacant. 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, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural perspective.

**Landscape**

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

- (a) He has no objection to the application from landscape planning perspective.
- (b) Based on the aerial photo in January 2021, the Site is located in an area of rural landscape character comprising of farmlands, vacant lands, fish ponds, village houses, temporary structure and

scattered tree group. According to site inspection photos taken in January 2022, the Site is vacant with no existing tree. Significant adverse impact within the Site arising from the development is not anticipated. As similar applications in the proximity of the Site with car parking provision were approved by the Committee, the proposed use is not entirely incompatible with the surrounding environment.

### **Drainage**

9.1.7 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 the submission, implementation and maintenance of a drainage proposal for the proposed development to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Fire Safety**

9.1.8 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 applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The applicant is reminded that if the proposed structure 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**

9.1.9 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 structure at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized

building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (c) His detailed comments on UBW, provision of access, permitted development density and temporary or licensed structures are at **Appendix IV**.
- (d) Detailed checking under the BO will be carried out at building plan submission stage.

#### **District Officer's Comments**

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

She 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 Comment Received During Statutory Publication Period**

On 11.1.2022, the application was published for public inspection. During the three-week statutory publication period, one public comment from an individual was received (**Appendix II**) objecting to the application for reasons that the proposed development would induce adverse traffic impact, environmental pollution, increase the fire hazard risk and affect the safety and living standard of the local villagers.

### **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 and filling of land (by 0.01m of asphalt in depth) in an area zoned "V" (22%) and "AGR" (78%) on the OZP, with their planning intentions detailed in paragraph 8 above. The proposed development is not in line with the planning intention of the "AGR" zone and DAFC does not support the application from the agriculture point of view as the Site possesses potential for agricultural rehabilitation. The proposed development is also not entirely in line with the planning intention of the "V" zone. DLO/YL of LandsD advises that part of the Site within the "V" zone, i.e. Lot 15 S.B in D.D. 109, is the subject of a Small House application currently being processed. In this regard, the applicant states that consent of the concerned lot owner has been obtained for the proposed temporary use under the current application before

implementation of the Small House. It is considered that approval of the application on a temporary basis for 3 years would not jeopardize the long-term planning intentions of the “AGR” and “V” zones, including the implementation of the proposed Small House under processing by LandsD. Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.

- 11.2 The proposed use is for provision of 31 private car parking spaces intended to serve the nearby residents. It is considered not incompatible with the surrounding area which is rural in character intermixed with residential structures/ dwellings, parking of vehicles, a caravan holiday camp, an ancestral hall, plant nurseries, ponds, grassland, woodland and vacant land.
- 11.3 Taking into account its nature and small scale of the development, it is envisaged that the proposed use would unlikely result in adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Relevant departments consulted including C for T, DEP, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comment on the application. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental impacts on the surrounding areas.
- 11.4 The Site is not involved in any previous application. There are 5 similar applications involving 3 sites within the same “V” zone in the vicinity of the Site for temporary public vehicle park approved by the Committee between August 2018 and January 2022 mainly for the reasons as stated in paragraph 6 above, with no similar application within the “AGR” zone in its vicinity. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment, the departmental comments and 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 comment mentioned in paragraph 10 above, the Planning Department considers that the application could be tolerated 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 18.2.2025. 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) 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 18.8.2022;
- (e) in relation to (d) 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 18.11.2022;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations 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 18.8.2022;
- (h) in relation to (g) 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 18.11.2022;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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 condition (d), (e), (g) 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 recommended advisory clauses are attached in **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 development 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 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, 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**

<b>Appendix I</b>	Application Form with Supplementary Information received on 31.12.2021
<b>Appendix Ia</b>	FI received on 14.2.2022
<b>Appendix II</b>	Similar Applications within the Same "V" Zone in the vicinity of the Site on the Kam Tin North OZP
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan

<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2022**