

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/837

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| <u>Applicant</u> | : Mr TANG Tsz Mo represented by R-riches Property Consultants Ltd. |
| <u>Site</u> | : Lots 1750A9 (Part) and 1905 RP(Part) in D.D. 107, Cheung Chun San Tsuen, Kam Tin, Yuen Long |
| <u>Site Area</u> | : About 1,668m 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/9 |
| <u>Zoning</u> | : “Comprehensive Development Area (1)” (“CDA(1)”) [restricted to a maximum plot ratio of 1.2 and a maximum building height of 16 storeys] |
| <u>Application</u> | : Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 5 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 5 years. The Site falls within the “CDA(1)” zone on the Kam Tin North OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use in the “CDA(1)” zone which requires planning permission from the Town Planning Board (the Board). The Site is paved, partly vacant and partly deposited with construction materials (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, 32 parking spaces for private car will be provided at the Site. Besides, a one-storey structure of 3m high and floor area of 18m² for site office will be provided. Only private cars will be allowed to enter/exit the Site. The operation hours of the temporary public vehicle park are 24 hours daily, including public holidays. The Site is accessible to Castle Peak Road – Tam Mi via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of four previous applications (No. A/YL-KTN/91, 163, 195 and 604) (details at paragraph 5 below).

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

- (a) Application form with supplementary information received on 11.5.2022 **(Appendix I)**
- (b) Further Information (FI) received on 22.6.2022 **(Appendix Ia)**

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 FIs in **Appendices I to Ib**. They can be summarized as follows:

- (a) Temporary planning approval will not frustrate the long-term planning intention of the “CDA(1)” zone. The proposed use is intended to serve the nearby residents and business operators of nearby workshops.
- (b) There is a similar application approved in the vicinity of the Site for the same use. Approval of the application will not set an undesirable precedent.
- (c) Sufficient vehicular maneuvering space will be provided on-site. The proposed development will not induce significant adverse traffic, environmental, landscape and drainage impacts to the surrounding area.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD).

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

The applicant is not a “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a site notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not the subject of any planning enforcement action.

5. Previous Applications

5.1 The Site forms part of 4 previous planning applications. The former three

applications, one for pond filling for a plant nursery (No. A/YL-KTN/91) and two for temporary open storage uses (No. A/YL-KTN/163 and 195), are not relevant to this application which is for temporary car parking use. The last application (No. A/YL-KTN/604), covering a much larger site for proposed comprehensive residential development with minor relaxation of plot ratio and building height restrictions (**Plan A-1b**), was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 22.3.2019 and was also not relevant to the current application in terms of the applied use and nature. This residential development will be developed in two phases, i.e. Phase A (targeted completion at 2023) and Phase B (to be developed as a later phase depending on land acquisition progress) at the southern and northern part of the “CDA(1)” zone respectively. The Site of the current application falls within Phase B of the proposed comprehensive development.

- 5.2 Details of the previous applications are summarized in **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-KTN/613 and 650) for temporary public vehicle park (excluding container vehicle) within the same “CDA(1)” zone in the vicinity of the Site within the past 5 years. The former one (No. A/YL-KTN/613) to the southeast of the Site straddling the same “CDA(1)” zone and the adjoining “CDA” zone was rejected by the Committee in November 2018 for the reason that the applicant failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding area. The latter one (Application No. A/YL-KTN/650) to the immediate west of the Site within the same zone was approved by the Committee in December 2019 mainly on the grounds that temporary approval of the application would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comments or their technical concerns could be addressed by approval conditions.
- 6.2 Details of the similar applications are summarized in **Appendix II** and their locations are shown on **Plan A-1a**.

7. The Site and Its Surrounding Area (Plans A-2 to A-4b)

- 7.1 The Site is:
- (a) paved, partly vacant and partly deposited with construction materials; and
 - (b) accessible from Castle Peak Road – Tam Mi via a local track.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north across a nullah and Shui Mei Road is a residential development

namely Park Yoho (峻巒) (approved under Application No. A/YL-KTN/663) in the “CDA” zone;

- (b) to its west is a temporary car park approved under Application No. A/YL-KTN/650; and
- (c) to its south and east are parking of vehicles, open storage/ storage yards and residential structures/ dwellings of Cheung Chun San Tsuen.

8. Planning Intention

The “CDA(1)” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. Comments from Relevant Government Departments

The government 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.

10. Public Comments Received During Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory publication period, two public comments from the individuals were received objecting to the application mainly on the grounds that the proposed use would induce adverse traffic and environmental impacts and pose fire safety risk to the nearby villagers; and there is no history of approval for the same use at the Site and the concerned developer should endeavor to complete the residential development on it.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years at the site zoned “CDA(1)” zone. The proposed use is not in line with the planning intention of the “CDA(1)” zone which is primarily for comprehensive development/ redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The whole “CDA(1)” zone is covered by a proposed comprehensive residential development (No. A/YL-KTN/604) approved by the Committee in March 2019 and the Site falls within Phase B of the proposed development with no concrete development programme. It is considered that approval of the application on a temporary basis would not jeopardize the implementation of the approved comprehensive residential development covering the “CDA(1)” zone.

- 11.2 The proposed temporary public vehicle park involves the provision of 32 parking spaces for private car to serve the car parking needs of nearby residents and business operators. The proposed development is considered not incompatible with the surrounding areas which are rural in character intermixed with residential development, open storage yards, parking of vehicles and residential structures/ dwellings.
- 11.3 The proposed use is not anticipated to result in significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Relevant departments consulted including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD have no adverse comment on the application. Appropriate approval conditions are recommended in paragraph 12.2 below to minimize any potential nuisance and to address the technical requirements of concerned government departments. 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' issued by DEP.
- 11.4 The Site is the subject of four previous applications submitted by different applicants for different uses, all of which are not relevant to the current application. There is one similar application approved by the Committee in 2019 for temporary public vehicle park (No. A/YL-KTN/650) as stated in paragraph 6 above. The circumstances of the only rejected similar application (No. A/YL-KTN/613) are different from the current application as C for T has no objection to the proposed public vehicle park use at the Site. Approval of this application is in line with the Committee's previous decision on similar applications.
- 11.5 Two public comments from individuals were received during the statutory publication period objecting to the application as detailed in paragraph 10 above. In this regard, the departmental comments as well as 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, the Planning Department has no objection to proposed use for a period of 5 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 5 years until 24.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle other than private car is allowed to access the Site at any time during the planning approval period;
- (b) 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;

- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at all 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 24.12.2022;
- (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 24.3.2023;
- (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 Fire Services or of the Town Planning Board by 24.12.2022;
- (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 24.3.2023;
- (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 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 development is not in line with the planning intention of the "CDA(1)" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. 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

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| Appendix I | Application form with supplementary information received on 11.5.2022 |
| Appendix Ia | FI received on 22.6.2022 |
| Appendix II | Previous and similar applications |
| Appendix III | General departmental comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comments |
| Drawing A-1 | Site layout plan |
| Plan A-1a | Location plan |
| Plan A-1b | Previous application plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plans A-4a & 4b | Site photos |

**PLANNING DEPARTMENT
JUNE 2022**