

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/922

<u>Applicant</u>	:	Mr. TANG Chieh represented by Chief Force Limited
<u>Site</u>	:	Lot 474 (Part) in D.D. 109, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,227m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<u>Zoning</u>	:	“Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years at the application site (the Site) zoned “V” on the Kam Tin North OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is fenced, mainly vacant and partly deposited with construction materials (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development involves parking spaces for 12 private cars and five light goods vehicles and will be operated 24 hours daily including public holidays. Medium or heavy goods vehicles exceeding 5.5 tonnes will not be allowed to access to 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**.
- 1.3 The Site is the subject of a previous approved application (No. A/YL-KTN/764) for the same use submitted by the same applicant as the current application (details in paragraph 5 below).

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

- (a) Application form with supplementary information received (**Appendix I**) on 1.6.2023
- (b) Further Information (FI) received on 24.7.2023* (**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, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and will not jeopardise the long-term planning intention of the “V” zone. It is intended to provide car parking spaces to meet the needs of nearby residents and visitors.
- (b) No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will out carried out at the Site. The proposed development will not induce adverse traffic, environmental and drainage impacts on the surrounding area. The applicant will provide and maintain the drainage and fire service installations facilities at the Site and comply with the relevant approval conditions.

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

The applicant is not the “current land owner” of the Site 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 registered mail to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/YL-KTN/641 and 764). Application No. A/YL-KTN/641 is for temporary eating place which is not relevant to the current application. Application No. A/YL-KTN/764 for temporary public vehicle park (excluding container vehicle), which is the same in terms of site boundary, layout and development parameters, and submitted by the same applicant as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) in May 2021 mainly on the

considerations that temporary approval would not jeopardise the long-term planning intention; the development was not incompatible with the surrounding land uses; and the relevant departments consulted in general had no objection to or no adverse comments on the application or their technical concerns could be addressed by relevant approval conditions. The planning permission was subsequently revoked in May 2022 due to non-compliance with approval conditions related to submission and implementation of drainage proposal.

- 5.2 Details of the previous applications are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-KTN/640 and 796) for public vehicle park within the same “V” zone in the vicinity of the Site in the past 5 years which were approved with conditions by the Committee in February 2019 and December 2021 respectively on similar considerations as stated in paragraph 5.1 above. The planning permission under application No. A/YL-KTN/640 was revoked subsequently due to non-compliance with approval conditions.
- 6.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 7.1 The Site is:
- (a) fenced, mainly vacant and partly deposited with construction materials; and
 - (b) accessible via a local track branching off Kam Tin Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north and northwest are residential dwellings/structures, including a residential development namely Seasons Monarch (四季名園) within an area zoned “Residential (Group C)2”, and vacant lands (including a site with valid planning permission for proposed temporary eating place under application No. A/YL-KTN/831);
 - (b) to the east and south are mainly warehouses, open storage yards and shops in Kiu Tau Tsuen (橋頭村). To the further south is Kam Tin Road;
 - (c) to the southwest is grassland within an area zoned “Conservation Area (1)” intended to conserve ecological value of wetland; and
 - (d) to the west are an open storage yard and vacant land.

8. Planning Intention

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

9. Comments from Relevant Government Departments

All 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 Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received objecting to the application mainly on the grounds that the previous application was revoked due to non-compliance with approval conditions.

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 at the Site zoned “V” (**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, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, the proposed development is intended to meet the car parking needs of the nearby residents and visitors. In this regard, the Commissioner for Transport has no adverse comment on the application from traffic engineering perspective. Besides, District Lands Officer/Yuen Long of the Lands Department advises that there is no Small House application approved or under processing at the Site. It is considered that temporary approval of the application for a period of 3 years would not frustrate the long-term planning intention of the “V” zone.

11.2 The proposed development is considered not incompatible with the surrounding land uses which are predominantly rural in character with residential dwellings/structures, open storage yards and vacant land. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that

no significant landscape impact arising from the proposed development is anticipated.

- 11.3 Other relevant government departments consulted including the Director of Environmental Protection, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD), the Director of Agriculture, Fisheries and Conservation, and the Director of Fire Services have no adverse comment on the application. To address the technical requirements of concerned 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' issued by the Environmental Protection Department to minimise any potential environmental nuisance.
- 11.4 The Site is the subject of an approved previous application (No. A/YL-KTN/764) submitted by the same applicant for the same public vehicle park use as the current application. The planning permission was revoked due to non-compliance with the approval conditions on submission and implementation of drainage proposal. In this regard, the applicant has submitted drainage proposal in support of the current application and CE/MN of DSD has no in-principle objection to the application subject to submission and implementation of the revised proposal. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Given that two similar applications for public vehicle park were approved by the Committee in the past 5 years as mentioned in paragraph 6, approving the current application is in line with the previous decisions of the Committee.
- 11.6 Regarding the public comment objecting to the application as detailed 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 mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 28.7.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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;

- (b) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy good vehicle and container trailer/tractor, 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;
- (c) 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 28.1.2024;
- (d) in relation to (c) above, the implementation of the revised 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 28.4.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 28.1.2024;
- (g) if any of the above planning condition (a), (b) or (e) 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;
- (h) if the of the above planning condition (c), (d) or (f) 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 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 development is not in line with the planning intention of the "Village Type Development" zone which 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. There is no strong planning justification 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

Appendix I	Application form with supplementary information received on 1.6.2023
Appendix Ia	FI received on 24.7.2023
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2023**