

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/927

<u>Applicant</u>	:	黎國民先生 represented by Goldrich Planners and Surveyors Ltd.
<u>Site</u>	:	Lot 1324 RP (Part) in D.D. 109, Cheung Kong Tsuen, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,683m 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 (Private Cars and Light Goods Vehicles) 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 (private cars and light goods vehicles) for a period of 5 years. The Site falls within an area zoned “V” on the Kam Tin North OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use under “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly formed and partly covered by weeds (**Plans A-2 to A-4**).
- 1.2 According to the applicant, there will be 21 private car parking spaces and 22 light goods vehicle parking spaces provided without any structure proposed at the Site. The proposed development will operate 24 hours daily including Sundays and public holidays. No vehicles exceeding 5.5 tonnes will be stored/parked on or enter/exit the Site. The Site is accessible from Kong Tai Road via a local track. 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 attachments received on 12.6.2023 (**Appendix I**)
 - (b) Further Information (FI) received on 23.8.2023* (**Appendix Ia**)

- (c) FI received on 14.9.2023* (Appendix Ib)
* *accepted and exempted from publication and recounting requirements*

1.4 On 11.8.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

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**. They can be summarised as follows:

- (a) The temporary nature of the application will not frustrate the long-term planning intention of the “V” zone.
- (b) The proposed development is intended to provide car parking spaces to meet the needs of nearby residents which will otherwise cause blockage to the access roads and local traffic congestion. It is compatible with the surroundings and will not adversely affect the villagers and nearby rural environment.
- (c) The Site is accessible from Kong Tai Road via an existing local track. Consent from the registered owners of the private lots which the local track traverses will be obtained when necessary.
- (d) No tree felling will be involved in the application. The proposed development will not induce adverse visual, traffic and drainage impacts to the surrounding area.

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 Application

There is no previous application covering the Site.

6. Similar Applications

- 6.1 There are three similar applications (No. A/YL-KTN/584, 612 and 633), including two applications with similar site locations and areas, for temporary public car park

(excluding container vehicle) within the same “V” zone in the vicinity of the Site in the past 5 years. All of the applications were approved with conditions by the Committee between February 2018 and November 2019 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “V” zone; the development was considered not incompatible with the surrounding land uses; and there was no adverse departmental comment and/or the technical concerns could be addressed by appropriate approval conditions. Planning permissions under applications No. A/YL-KTN/584, 612 and 633 were 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) located at the fringe of “V” zone of Cheung Kong Tsuen (長江村);
- (b) currently vacant, partly formed and partly covered by weeds; and
- (c) accessible from Kong Tai Road via a local track.

- 7.2 The surrounding areas have the following characteristics:

- (a) to the north, east and south are mainly residential dwellings/structures, an open storage/storage yard and vacant land; and
- (b) to the west are farmland 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

- 9.1 Apart from the government department as set out in paragraph 9.2 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 are provided in **Appendices III** and **IV** respectively.

- 9.2 The following government department supports the application:

Transport

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

supportive to the planning application from traffic engineering perspective to address the local demand for car parking spaces.

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

The application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received objecting to the application mainly on the grounds that the development would cause adverse drainage and traffic impacts as well as vegetation clearance.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private cars and light goods vehicles) for a period of 5 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. 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, it is intended to meet the needs of the residents nearby. C for T supports the application from traffic engineering perspective. Besides, there is no Small House application approved or under processing within the Site as advised by the District Lands Officer/Yuen Long of the Lands Department. It is considered that temporary approval of the application for a period of 5 years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The proposed use at the fringe of “V” zone is considered not incompatible with the surrounding land uses which are predominantly rural in character with residential dwellings/structures, open storage yard and vacant land (**Plan A-2**). 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 and has no objection to the application from landscape planning perspective.
- 11.3 Relevant departments consulted, including the Director of Environmental Protection, the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Fire Services have no adverse comment on the application. To address the technical requirements of concerned government departments, relevant 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 the possible environmental nuisance generated by the proposed use.

- 11.4 There are three approved similar applications for temporary public car park use in the vicinity in the past 5 years as detailed in paragraph 6 above. Approval of the application is in line with the previous decisions of the Committee.
- 11.5 For the public comments 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 taking into account the public comments 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 5 years until 13.10.2028. 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 vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, 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 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 13.4.2024;
- (d) in relation to (c) 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 13.7.2024;
- (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 **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.7.2024;
- (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~~ **any** 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 proposed use is not in line with the planning intention of the "V" 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 attachments received on 12.6.2023
Appendix Ia	FI received on 23.8.2023
Appendix Ib	FI received on 14.9.2023
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
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
OCTOBER 2023**