

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

**APPLICATION NO. A/YL-KTN/960**

<b><u>Applicant</u></b>	: Mr TANG Tsz Mo represented by R-riches Property Consultants Ltd.
<b><u>Site</u></b>	: Lots 1866 S.A RP (Part), 1866 S.B RP, 1876 S.B (Part) and 1905 RP (Part) in D.D. 107, and Adjoining Government Land, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: about 4,390 m <sup>2</sup> (including Government Land of about 13m <sup>2</sup> (about 0.3%))
<b><u>Lease</u></b>	: New Grant for Agricultural Purpose
<b><u>Plan</u></b>	: Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<b><u>Zoning</u></b>	: “Comprehensive Development Area (1)” (“CDA(1)”) [restricted to a maximum plot ratio of 1.2 and a maximum building height of 16 storeys]
<b><u>Application</u></b>	: 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 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 currently paved, fenced and used for the applied use without valid planning permission (**Plans A-2 to A-4**)
- 1.2 According to the applicant, a total of 132 parking spaces for private car will be provided at the Site. Besides, a one-storey structure of 3m high and floor area of 15.25m<sup>2</sup> for site office will be provided at the Site. Only private car not exceeding 5.5 tonnes will be allowed to enter/exit the Site. The proposed operation hour is 24 hours daily, including public holidays. The Site is accessible from Shui Mei Road via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site, in whole or in part, is the subject of five previous applications including the

last approved previous application No. A/YL-KTN/650 for the same applied use submitted by the same applicant as the current application. The planning permission under the said application was revoked in November 2023 due to non-compliance with approval conditions. Compared with the last approved application (No. A/YL-KTN/650), the current application is essentially the same in terms of major development parameters except minor change to the site area in order to reflect the existing condition of the Site (details are at paragraph 5 below).

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

Application form with supplementary information received on **(Appendix I)**  
10.10.2023

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

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

- (a) There is no known long-term development programme at the Site. Temporary planning approval will not frustrate the long-term planning intention of the “CDA(1)” zone. The applied use is intended to serve the nearby residents.
- (b) The applied use is compatible with the surrounding land uses.
- (c) There is a previously approved application at the Site for the same use and the current application is to continue the operation of the applied use at the Site. There is no major change to the proposed development parameters as compared with the previously approved application.
- (d) Sufficient vehicular maneuvering space will be provided on-site and fire service installations and drainage proposals are submitted to address any adverse impact arising from the applied use. The applied use will not induce significant adverse traffic, environmental, fire safety and drainage impact on the surrounding area.
- (e) The applicant will strictly follow the revised ‘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” of the private land portion 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. 31B) by posting site notice and sending

registered mail to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the Government land portion of the Site, TPB PG-No. 31B is not applicable.

#### 4. **Background**

The Site is not subject to any active enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

#### 5. **Previous Applications**

- 5.1 The Site, in whole or in part, is the subject of five previous planning applications (No. A/YL-KTN/91, 163, 295, 604 and 650). The former four applications for pond filling for a plant nursery, temporary open storage uses, temporary waste tires recycling manufactory and proposed comprehensive residential development with minor relaxation of plot ratio and building height restrictions, are not relevant to this application which is for temporary car parking use.
- 5.2 The last application (No. A/YL-KTN/650) for the same applied use submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) with conditions on 13.12.2019, mainly on the consideration that approval on a temporary basis would not jeopardize the implementation of the approved comprehensive residential development; the development was not incompatible with the surrounding land uses; relevant departments had no objection or no adverse comment and their technical concerns could be addressed by relevant approval conditions. The planning permission was revoked in November 2023 owing to non-compliance with approval condition related to implementation of drainage proposal. In the current application, drainage and fire service installations proposals are submitted in support of the application.
- 5.3 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 837) for temporary public vehicle park within or straddling the same "CDA(1)" zone in the vicinity of the Site in the past 5 years. Application No. A/YL-KTN/613 was rejected by the Committee in November 2018 for the reason that the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding area. Application No. A/YL-KTN/837 was approved by the Committee in June 2022 on similar considerations as stated in paragraph 5.
- 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-4)**

7.1 The Site is:

- (a) paved, fenced and currently used as the applied use without valid planning permission; and
- (b) accessible from Shui Mei Road via a local track.

7.2 The surrounding areas are rural in character mainly intermixed with open storage/storage yards, parking of vehicles and residential structures/dwelling of Cheung Chun San Tsuen. The medium-rise residential development (namely Park Yoho(峻巒)) is located to the north across Shui Mei Road and a nullah.

**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**

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 Comment Received During Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the statutory publication period, one public comment from an individual was received raising concerns on the compliance status of approval conditions in the previous planning permission and that

approval of the current application would allow the property owner to delay the development of the area.

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

- 11.1 The application is for temporary public vehicle park (excluding container vehicle) for a period of 5 years at the Site zoned “CDA(1)”. While the applied use is not entirely 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 subject to land exchange and land acquisition. According to the applicant, the applied use is intended to meet the needs of the residents nearby. C for T supports the application from traffic engineering perspective as it could address the local demand for car parking spaces. 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 applied use 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. The Chief Town Planner/Urban Design and Landscape, Planning Department considers significant adverse landscape impact arising from the applied use is not anticipated and has no objection to the application from landscape planning perspective.
- 11.3 Other relevant departments consulted including the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) and the Director of Fire Services have no objection to or no adverse comments 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 DEP to minimise the possible environmental nuisance generated by the applied use.
- 11.4 The Site is the subject of an approved application (No. A/YL-KTN/650) for the same applied use with the same major development parameters was submitted by the same applicant. While the planning permission was revoked in November 2023 due to non-compliance with approval condition related to implementation of drainage proposal, the applicant has submitted a drainage proposal in support of the current application. CE/MN of DSD has no objection to the application. 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 There are two similar applications for temporary public vehicle park use in the vicinity in the past 5 years as detailed in paragraph 6 above. The circumstances of the rejected similar application (No. A/YL-KTN/613) are different from the current application as

C for T supports the applied use at the Site. Approving the current application is in line with the Committee's previous decision on the approved planning application.

- 11.6 For the public comment raising concerns on 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 5 years until 8.12.2028. 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) 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 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 8.6.2024;
- (e) in relation to (d) 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 8.9.2024;
- (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 8.6.2024;
- (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 8.9.2024;

- (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 applied 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. 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 supplementary information received on 10.10.2023
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government department's general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comment

<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1a</b>	Location plan with similar applications
<b>Plan A-1b</b>	Previous application plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT**  
**December 2023**