

RNTPC Paper No. A/YL-KTS/1002
For Consideration by
the Rural and New Town
Planning Committee
on 7.6.2024

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-KTS/1002

<u>Applicant</u>	:	Moon Kee Car Park represented by Top Bright Consultants Ltd.
<u>Site</u>	:	Lots 111 RP, 112 (Part), 113, 115 RP, 116 (Part) and 117 RP in D.D. 113, Kam Tin South, Yuen Long
<u>Site Area</u>	:	4,353m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Public Car Park (Private Car) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary public car park (private car) for a period of three years at the application site (the Site) which falls within an area zoned “AGR” on the approved Kam Tin South OZP No. S/YL-KTS/15 (**Plan A-1a**). According to the covering Notes of the OZP, temporary use of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is paved and used for the applied use with valid planning permission under the previous application No. A/YL-KTS/888. All the approval conditions had been complied with and the planning permission is valid until 15.6.2024.
- 1.2 According to the applicant, the applied use involves 118 parking spaces for private cars, including 18 parking spaces covered by tent structures; and two single-storey structures for site office and washroom uses. The heights of the structures are not more than 3m and the total floor area is about 364m². The operation hours are 24 hours daily and no vehicles exceeding 5.5 tonnes will be parked at the Site. The Site is accessible to Kam Ho Road via a local track (**Plans A-1a and A-3**). The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site, in part or in whole, is involved in twelve previous applications (details under paragraph 6 below). Compared with the last approved application No.

A/YL-KTS/888, the current application is submitted by the same applicant and is the same in terms of the applied use, site area/boundary, layout and major development parameters except a slight reduction in the total floor area from 385m² to 364m² (-21m²/-5%).

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

- (a) Application form with supplementary information received (**Appendix I**) on 12.4.2024
- (b) Further Information (FI) received on 21.5.2024* (**Appendix Ia**)
- (c) FI received on 29.5.2024* (**Appendix Ib**)

** 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 to Ib**. They can be summarised as follows:

- (a) The Site is ideal for use as a “park and ride” facility to serve the local community using public transport at the Tai Lam Tunnel bus interchange. It will alleviate the existing illegal parking problem in the vicinity and help relieve shortage of parking provision in the Kam Tin South area with the public housing developments in the area being implemented.
- (b) The Site and its surrounding areas are one of the shortlisted clusters for potential public housing identified under brownfield sites review in the Yuen Long District. Whilst the implementation programme would be further formulated, utilising the Site for the applied use on a temporary basis would make better use of valuable land resources and bring social benefits without increasing public expenditure, and it would not jeopardise the future land use of the Site.
- (c) The Site has been paved and used as public car park since 1999. The applied use is not incompatible with the surrounding land uses. Previous approvals for public car park were granted at the Site. The planning circumstances of the current application remain unchanged since the last planning approval was granted and all the approval conditions had been complied with. There will be no workshop activities carried out within the Site. There would be insignificant environmental, drainage and traffic impacts arising from the applied use.
- (d) As compared with the last approved application, the total floor area in the application is reduced with reference to the latest on-site survey. The applicant will apply to the Lands Department (LandsD) for Short Term Waiver (STW) to regularise the structures on-site, and to remove any structures not in line with the layout plan.

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

The applicant is not a “current land owner” 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 notices to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site, in part or in whole, is involved in twelve previous applications (No. A/YL-KTS/158, 241, 246, 284, 384, 492, 514, 519, 553, 660, 785 and 888). Application No. A/YL-KTS/514 was for temporary concrete batching plant which is not relevant to the current application. The remaining eleven previous applications were all for temporary public car park.
- 6.2 Three previous applications (No. A/YL-KTS/241, 246 and 284) for temporary public car park were rejected by the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2002, mainly on the grounds of adverse traffic and drainage impacts on the surrounding areas.
- 6.3 The remaining eight previous applications (No. A/YL-KTS/158, 384, 492, 519, 553, 660, 785 and 888) for temporary public car park (including one renewal of temporary planning permission) were approved with conditions by the Committee or the Board on review between 1999 and 2021, mainly on the considerations that temporary approval would not jeopardise the long term planning intention; the applied use was not incompatible with the surrounding land uses; and the relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by the approval conditions. The planning permissions under applications No. A/YL-KTS/492 and 519 were revoked in 2010 and 2011 respectively due to non-compliance with the approval conditions. For the last approved application No. A/YL-KTS/888, all the approval conditions had been complied with and the planning permission is valid until 15.6.2024.

- 6.4 Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1b**.

7. Similar Application

There is no similar application within the same “AGR” zone in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) paved and used for the applied use with valid planning permission under application No. A/YL-KTS/888;
- (b) accessible to Kam Ho Road via a local track; and
- (c) within the boundary of “Site Formation and Infrastructure Works for Proposed Public Housing Development at Kam Ho Road, Yuen Long – Feasibility Study”.

8.2 The surrounding areas are rural in character intermixed with parking of vehicles, open storage/storage yards, warehouse, plant nursery, grassland and vacant land. The parking of vehicles, open storage/storage yards, warehouse uses are without valid planning permissions. Pat Heung Road and Kam Ho Road are to the north and east of the Site respectively. The toll plaza of Tai Lam Tunnel at Tsing Long Highway is to the west of the Site.

9. Planning Intention

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.

10. Comments from the Relevant Government Departments

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 IV and V** respectively.

10.2 The following government department has adverse comments on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) has adverse comments;
- (b) the Site comprises Old Schedule Agricultural Lots No. 111 RP, 112, 113, 115 RP, 116 and 117 RP all in D.D.113 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;
- (c) Lot No. 112 in D.D. 113 is covered by STW No. 4041 for the purpose of temporary public car park (private car);
- (d) LandsD has reservation on the planning application since there are unauthorised structures and uses on Lots No. 111 RP, 113, 115 RP, 116 and 117 RP all in D.D. 113 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (e) if the planning application is approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lots owners shall apply to his office for a STW to permit the structure(s) erected within Lots No. 111 RP, 113, 115 RP, 116 and 117 RP all in D.D. 113. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

10.3 The following government department supports the application:

Transport

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

- (a) supports the application from traffic engineering perspective to address the local demand for parking spaces; and
- (b) detailed advisory comments are at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary public car park (private cars) for a period of three years at the Site zoned “AGR” (**Plan A-1a**). 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. Whilst the applied use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no strong view on the application. According to the applicant, the applied use is to serve the local community. C for T supports the application from traffic engineering perspective to address the local demand for parking spaces. Taking into account the planning assessments below, the applied use on temporary basis for a further period of three years could be tolerated.
- 12.2 The applied use is considered not incompatible with the surrounding land uses intermixed with parking of vehicles, open storage/storage yards, warehouse uses, plant nursery and vacant land. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse landscape impact is not anticipated and has no objection to the application from landscape planning perspective.
- 12.3 DLO/YL, LandsD has adverse comments on the application in view of the unauthorised structures and uses on the subject lots. In this regard, the applicant indicates that respective STW application will be submitted to LandsD. Besides, should the Committee decide to approve the application, relevant advisory clause on need for application to LandsD for regularisation of unauthorised structures and uses would also be imposed.
- 12.4 The application is generally in line with TPB PG-No. 34D in that the 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 objection to or no adverse comment on the application; all the approval conditions under the last application No. A/YL-KTS/888 had been complied with; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in the planning circumstances since the granting of the previous approval. Regarding the project interface with the “Site Formation and Infrastructure Works for Proposed Public Housing Development at Kam Ho Road, Yuen Long – Feasibility Study” involving the Site, the Project Team Leader/Housing, Civil Engineering Office of the Civil Engineering and Development Department has no adverse comment on the application. The applicant will be advised that the Site may be affected by public housing development and may be resumed by the Government at any time during the planning approval period for implementing the development. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 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 generated by the applied use.

- 12.5 The Site was involved in eleven relevant previous applications for temporary public car park. The planning circumstances of the three rejected previous applications where adverse traffic and drainage impacts were involved are different from the current application. Approving the current application is in line with the Committee’s previous decisions on the eight approved previous applications.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the applied use could be tolerated for a further period of three years.
- 13.2 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 three years and be renewed from 16.6.2024 to 15.6.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no vehicles without valid licenses 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/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;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (e) if any of the above planning condition (a), (b), (c) or (d) 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
- (f) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[The above approval conditions are the same as those under the last approved planning Application No. A/YL-KTS/888, except deletion/revision to the conditions on operation, traffic, drainage and fire safety aspects based on the latest comments from relevant departments.]

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the renewal application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form with supplementary information received on 12.4.2024
Appendix Ia	FI received on 21.5.2024
Appendix Ib	FI received on 29.5.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
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
Plan A-4	Site photos