

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1017

- Applicant** : 朱友齊 represented by 海願規劃發展有限公司
- Site** : Lot 208 RP (Part) in D.D. 106, Kam Tin, Yuen Long, New Territories
- Site Area** : About 1,820m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zonings** : “Agriculture” (“AGR”) (71%)
“Village Type Development” (“V”) (29%)
[maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle)
for a Period of Three Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land at the application site (the Site), which falls within an area partly zoned “AGR” (71%) and partly zoned “V” (29%) on the OZP (**Plan A-1**). While the proposed use is neither a Column 1 nor Column 2 use in the “AGR” zone, 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). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use in the “V” zone which requires planning permission from the Board. Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently fenced-off, vacant and covered by overgrown grass and shrubs (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Po Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use involves 25 parking spaces (20 for private cars and 5 for light goods vehicles (LGVs)) (**Drawing A-1**), and vehicles without valid licences issued under the Road Traffic Ordinance (RTO) will not be permitted to enter/park at the Site. No dismantling, repairing, cleaning, paint-spraying or workshop-related activity will be carried out at the Site. The applicant also proposes filling of land for the entire Site with concrete of about 0.2m in

depth (to about +12.3mPD) for vehicular circulation (**Drawing A-2**). The proposed public vehicle park will operate 24 hours daily including Sundays and public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on 16.8.2024 (**Appendix I**)
- (b) Further Information (FI) received on 25.9.2024* (**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 and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed use is intended to provide legal parking spaces to meet the parking demand of nearby villagers of Tin Sam Tsuen helping to address the illegal parking issue in the vicinity. The temporary nature of the application will not frustrate the long-term intentions of the “AGR” and “V” zones. In support of the current application, the applicant has submitted fire service installations proposal.
- (b) Sufficient manoeuvring space would be provided within the Site and no vehicles would queue back to the public road. No adverse traffic impact arising from the proposed use is anticipated.
- (c) The applicant pledges to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘Code of Practice’). The Site would be kept clean and tidy during the planning approval period. No adverse traffic, environmental and ecological impacts arising from the proposed use are envisaged.

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 notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s 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 four similar applications (No. A/YL-KTS/852, 888, 968 and 1002) covering three sites for temporary public vehicle/car park (private car/excluding container vehicle) with/without electric charging facility within the same “AGR” zone and the other “AGR” and “V” zones in the vicinity of the Site in the past five years. Details of the similar applications is summarised in **Appendix II** and the locations are on **Plan A-1**.
- 6.2 Application No. A/YL-KTS/852 was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in September 2020 mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; undesirable precedent for similar applications within the “AGR”; and the cumulative impact of approving similar applications would result in degradation of the landscape quality of rural environment.
- 6.3 Applications No. A/YL-KTS/888 and 1002 covering the same site were approved by the Committee in June 2021 and June 2024 respectively mainly on the considerations that temporary approval would not jeopardise the long term planning intention of the “AGR” zone; the applied use was not incompatible with the surrounding land uses; relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by the approval conditions; and compliance with 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).
- 6.4 Application No. A/YL-KTS/968 was approved by the Committee in January 2024 mainly on the considerations that there were supports from relevant government bureau and department; the applied use was not incompatible with the surrounding land uses; and relevant departments consulted in general had no objection to or no adverse comment on the application or their technical concerns could be addressed by the approval conditions.

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

- 7.1 The Site is:
 - (a) accessible from Kam Tin Road via local tracks; and
 - (b) currently fenced-off, vacant and covered by overgrown grass and shrubs.
- 7.2 The surrounding areas comprises predominantly residential structures with some storage yards and grass land. Pat Heung Depot is located to the west of the Site across the Nullah and Kam Po Road.

8. Planning Intentions

- 8.1 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. According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.
- 8.2 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 House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from the Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 III** and **IV** respectively.

- 9.2 The following government department supports the application:

Traffic

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 IV**.

- 9.3 The following government department does not support the application:

Agriculture and Nature Conservation

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally abandoned. Agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, green houses, plant nurseries and etc.; and
- (c) no comment from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 23.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received respectively from the Chairman of Yuen Long Town Centre and Rural East Area Committee (YLTC & REAC) and an individual. The Chairman of YLTC & REAC had no comments on the application while the individual objected to the application mainly on the grounds that the Site was occupied by brownfield operation without planning approval and no information on tree felling was provided (**Appendices Va and Vb**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land at the Site partly zoned “AGR” (71%) and partly zoned “V” (29%) (**Plan A-1**). The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 the “V” zone is primarily intended for development of Small Houses by indigenous villagers.
- 11.2 The proposed use is not in line with the planning intention of the “AGR” zone, and DAFC does not support the application from agricultural perspective. The proposed use is also not entirely in line with the planning intention of the “V” zone. In this regard, the District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved or under processing at the Site. The proposed use of temporary nature will not affect the land availability for Small House development within the “V” zone in the long term. According to the applicant, the proposed use is intended to meet the parking demand of nearby villagers of Tin Sam Tsuen. C for T supports the application from traffic engineering perspective as it could help address the local parking demand. In view of the above and taking into account the planning assessments below, the proposed use on a temporary basis for a period of three years could be tolerated.
- 11.3 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the

surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. An approval condition requiring the reinstatement of the “AGR” portion of the Site upon expiry of the planning permission is recommended should the Committee decide to approve the application.

- 11.4 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly residential structures with some storage yards and grass land. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated and she has no objection from landscape planning perspective.
- 11.5 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised ‘Code of Practice’ to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 11.6 There is one similar application rejected by the Committee in 2020 for temporary public vehicle park within the same “AGR” zone. The consideration of the current application is different from the rejected similar application in that the current application is supported by C for T and CTP/UD&L, PlanD has no objection to the current application. Furthermore, there are three approved similar applications covering two sites on the OZP in the vicinity of the Site as mentioned in paragraphs 6.3 and 6.4 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 For the public comments mentioned 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 comments mentioned in paragraph 10 above, PlanD considers that the proposed use could be tolerated for a period of three 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 three years until 4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 4.4.2025;

- (b) in relation to (a) 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 4.7.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 4.7.2025;
- (e) if the above planning condition (c) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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; and
- (g) upon expiry of the planning permission, the reinstatement of the “AGR” portion of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 with associated filling of land is not in line with the planning intentions of the “AGR” and “V” zones, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, and to provide land for development of Small Houses by indigenous villagers respectively. There is no strong planning justification given in the submission for a departure from the planning intentions, 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 16.8.2024
Appendix Ia	FI received on 25.9.2024
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
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
OCTOBER 2024**