

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/381

- Applicant** : Quadrangle HK Limited represented by Top Planning Property Consultants Limited
- Site** : Lot 4822 (Part) in D.D. 104, Mai Po, Yuen Long
- Site Area** : 28,113m² (about)
- Lease** : New Grant No. 22932
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
- Zoning** : “Residential (Group D)” (“R(D)”)
[restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years and Associated Filling of Pond and 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 associated filling of pond and land at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within “R(D)” zone which requires planning permission from the Town Planning Board (the Board). Filling of pond and land within “R(D)” zone also require planning permission from the Board. The Site is currently vacant and largely paved with an abandoned pond and some container structures (**Plans A-2 and A-4a to A-4b**).
- 1.2 The Site is accessible via a local access connecting to Kam Pok Road leading to Castle Peak Road – Tam Mi, with an ingress/egress (about 9m wide) at its western part (**Drawing A-1 and Plans A-1a to A-2**). According to the applicant, the proposed use will provide a total of 207 parking spaces, including 12 for private cars (each of 2.5m x 5m), 6 for motorcycles (each of 1m x 2.4m), 23 for light goods vehicles (each of 3.5m x 7m) and 166 for medium goods vehicles (each of 3.5m x 11m) (**Drawing A-1**). No workshop activities will be conducted at the Site. The

proposed operation hours would be from 7:00 a.m. to 11:00 p.m. daily, including Sundays and public holidays. The applicant also applies for associated filling of pond and land at the southeastern portion of the Site (about 3,369m²) with concrete of not more than 1.4m in depth (to level of about +4.5mPD) and associated filling of land for the remaining portion of the Site with concrete of not more than 0.2m in depth (to level of about +4.5mPD to +6.5mPD) for site formation and circulation purpose (**Drawing A-2**).

- 1.3 The Site, in whole or in part, is the subject of 12 previous applications (details at paragraph 5 below) (**Plan A-1b**). Amongst which, one application (No. A/YL-MP/148) was submitted by a different applicant for similar temporary private vehicle park use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2005. The remaining previous applications for different applied uses are not relevant to the current application.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)**
14.11.2024
 - (b) Further Information (FI) received on 9.1.2025* **(Appendix Ia)**
 - (c) FI received on 14.1.2025^ **(Appendix Ib)**
- * *accepted but not exempted from the publication and recounting requirements*
^ *accepted and exempted from the 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 FIs at **Appendices I to Ib** and can be summarised as follows:

- (a) The proposed public vehicle park is intended to address the parking demand in the area by offering a variety of parking spaces for public use. While the Site is the subject of an approved application (No. A/YL-MP/287) for proposed house development, the proposed public vehicle park is on a temporary basis and no structures will be erected at the Site under the current application, hence approval of the current application will not frustrate the long-term planning intention of the “R(D)” zone. The applicant would handover the Site for the permitted house development under the previous approved application in the future.
- (b) The proposed use is compatible with the surrounding land uses which are mainly occupied by open storage yards and vehicle parks.
- (c) There will be an independent ingress/egress connecting the Site to Kam Pok Road. Traffic signs will be installed near the entrance of the Site to instruct the concerned drivers to avoid using Fairview Park Boulevard for accessing the Site. A traffic assessment has been submitted to demonstrate that the proposed use would not induce adverse impact on the surrounding road network. Furthermore, articulated vehicles as well as vehicles without valid licenses issued under the Road Traffic Ordinance will not be allowed to park at the Site. About 80% of the parking spaces will be allocated for monthly rentals while the remaining 20% for hourly parking, minimising the daily traffic flows.

- (d) No car washing, repairing, dismantling, paint spraying or other workshop activities will be carried out at the Site. The applicant will also follow the revised 'Code of Practice on Handling on Environmental Aspects of Temporary Uses and Open Storage Sites' (CoP) issued by the Environmental Protection Department (EPD) to minimise adverse environmental impact and nuisance to the surrounding areas.
- (e) Filling of pond and land have been approved as part of the previous application No. A/YL-MP/287, and it is envisaged that the proposed filling works under the current application would not cause adverse ecological and environmental impacts. Besides, there will be no adverse air and noise impacts to the surrounding areas. The applicant is committed to comply with all relevant approval conditions including those related to fire services and drainage aspects should the current application be approved.

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 publishing notices in local newspaper and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site, in whole or in part, is the subject of 12 previous applications (No. A/YL-MP/55, 90, 104, 110, 136, 148, 156, 170, 176, 202, 242 and 287). Application No. A/YL-MP/148 submitted by a different applicant for temporary open-air private car park for exhibition of used cars at part of the Site for a period of three years was approved with conditions by the Committee in 2005 mainly on the considerations that the proposed temporary use would unlikely generate environmental nuisances and insurmountable traffic impacts; relevant government departments had no objection to or adverse comment on the application; and a shorter approval period of two years was recommended to monitor the operation. The planning permission was subsequently revoked in 2007 due to non-compliance with time-limited approval conditions.
- 5.2 The remaining 11 previous applications are for different applied uses which are not relevant to the current application. Nevertheless, the last application No. A/YL-MP/287 for proposed house development with minor relaxation of building height restriction, filling of pond/land, and excavation of land was approved with conditions by the Committee in 2020. With the corresponding land exchange (New Grant No. 22932) executed in September 2021 and general building plans (GBPs) submission approved in November 2022, the proposed development is regarded as

commenced. According to a recent site visit, the construction works for the approved development is yet to commence.

- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are two similar applications covering the same site (No. A/YL-MP/318 and 354) involving temporary public vehicle park within the same “R(D)” zone in the past five years. Both applications were approved with conditions by the Committee in 2021 and 2023 mainly on the considerations that the proposed temporary use would not frustrate the long term planning intention of the “R(D)” zone; the proposed use could serve the nearby locals and it was not considered incompatible with the surrounding land uses; and relevant government departments had no objection to or adverse comment on the application. The planning permission under application No. A/YL-MP/318 was subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) accessible from its west via a local access connecting to Kam Pok Road leading to Castle Peak Road – Tam Mi; and
 - (b) currently vacant and largely paved with an abandoned pond and some container structures.
- 7.2 The surrounding areas are rural in character predominated by open storage yards, warehouse, car trading use, vehicle repair workshop, pumping station, restaurant, public vehicle park, low-rise residential developments, village settlements, and planned residential developments including the proposed light public housing development which are under construction.

8. Planning Intention

- 8.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.
- 8.2 The Explanatory Statement of the OZP indicates that as filling of pond/land or excavation of land may cause adverse drainage impacts on the areas and adverse impacts on the environment, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 to 9.4 below, other 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 IV and V** respectively.

9.2 The following government department supports the application:

Traffic

9.2.1 Comments from the Commissioner for Transport (C for T):

- (a) he supports the application as a temporary public vehicle park could meet the public demand of vehicle parking spaces; and
- (b) advisory comments are detailed in **Appendix V**.

9.3 The following government departments provide specific comments on the application:

Land Administration

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

- (a) he has no objection to the application; and
- (b) Lot No. 4822 in Demarcation District No. 104 (“the Lot”), having an area of 37,702m² (about), is held under the Conditions of Exchange dated 24 September 2021 (“the Conditions”), which contain, *inter alia*, the following restrictions:
 - (i) Building Covenant (“BC”): on or before 30 September 2027
 - (ii) User: private residential purposes
 - (iii) Total GFA: not less than 4,524m² and not exceeding 7,540m²
 - (iv) Vehicular Access: between the points X and Y through Z and between the points X1 and Y1 through Z1
- (c) the proposed “public vehicle park” contravenes the Conditions governing the Lot, including but not limited to the user restriction, and also pre-empted the completion of the private residential development as required under the Conditions; and
- (d) having considered the forgoing, if planning permission is given by the Board, LandsD is prepared to process any waiver for the proposed temporary use on the condition that the Lot owner shall

acknowledges, by duly execution of an undertaking, that there is an unfulfilled BC; any waiver (if granted) will, among other conditions, require payment of waiver fee (as determined by the Government) and administrative fee while not prejudice the BC requirement, and any extension of the BC period (if granted) will require payment of premium.

Drainage

9.3.2 Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application;
- (b) should the Board consider that the application is acceptable from planning point of view, the following conditions should be stipulated:
 - (i) the submission of a Drainage Impact Assessment before the commencement of any construction works or operations including site formation works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
 - (ii) in relation to (i) above, the provision of drainage facilities before the commencement of any operation to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
 - (iii) in relation to (ii) above, the implemented drainage facilities shall be maintained at all times during the planning approval period.

Agriculture and Nature Conservation

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

- (a) he has no in-principle objection to the application taking into account the Site is zoned “R(D)” and consists of paved/disturbed ground and abandoned pond; and
- (b) advisory comments are detailed in **Appendix V**.

9.4 The following government departments do not support the application/ has conveyed local objection to the application:

Environment

9.4.1 Comments from the Director of Environmental Protection (DEP):

- (a) he does not support the application from environmental planning perspective in accordance with the latest CoP as there are sensitive

receivers in the vicinity (i.e. the nearest residential structure is about 49m south of the Site) and the application would cause traffic of heavy vehicles. It is anticipated that the proposed use would cause environmental nuisance to the residential structures nearby;

- (b) he has no comment on the proposed filling of pond and land provided that the applicant would strictly observe all relevant pollution control ordinance as stated in his advisory comments;
- (c) there was no environmental complaint related to the Site in the past three years; and
- (d) advisory comments are detailed at **Appendix V**.

District Officer's Comments

9.4.2 Local comment conveyed by the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD) are as follows:

the village representatives (VRs) of Chuk Yuen Tsuen objects to the application mainly on the grounds of traffic noise, road safety, dust pollution and environmental hygiene concerns.

10. Public Comments Received During the Statutory Publication Periods

On 22.11.2024 and 14.1.2025, the application was published for public inspection. During the statutory public inspection periods, four public comments from Fairview Park Property Management Limited (FPPML), Fairview Park Management Advisory Committee (the 12th) (FPMAC), Owners' Association of Fairview Park (O AFC) and an individual were received (**Appendix VI**). FPPML, FPMAC and the individual object to the application mainly on the adverse traffic, ecological and landscape impacts arising from the proposed developments. O AFC provided views on the proposed traffic arrangement including revising the ingress/egress point and provision of a new roundabout.

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 associated filling of pond and land at the Site zoned "R(D)" (**Plan A-1a**). Whilst the proposed use is not entirely in line with the planning intention of the "R(D)" zone, the applicant claims that the proposed use is intended to provide a variety of parking spaces for public use and to serve the locality. C for T supports the application as it could meet the public demand of vehicle parking spaces. On long-term development perspective, the Site is the subject of an approved application for proposed house development with corresponding land exchange and GBPs executed/approved in 2021 and 2022 respectively. However, relevant construction works is yet to commence. The applicant is committed to handover the Site to the land owner for the approved residential development when demanded in the future. DLO/YL, LandsD has no objection to the application. Should the application be approved, the applicant would be advised to liaise any land issue relating to the development with the

concerned owner of the Site. In view of the above and taking into account the planning assessments below, approval of the application on a temporary basis for three years would not jeopardise the implementation of the approved residential development at the “R(D)” zone.

- 11.2 The applicant also applies for associated filling of pond and land with concrete of about 1.4m in depth at the southeastern portion of the Site and associated filling of land for the remaining portion of the Site with concrete of not more than 0.2m in depth for site formation and circulation purpose (**Drawing A-2**). In fact, filling of pond and land at the Site have been approved under the previous application No. A/YL-MP/287 though different proposed uses are involved. Besides, DAFC has no in-principle objection to the application taking into account the Site is zoned “R(D)” and consists of paved/disturbed ground and abandoned pond. CE/MN of DSD and DEP also have no in-principle objection to /no comment on the proposed filling of pond and land.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character predominated by open storage yards, warehouse, car trading use, vehicle repair workshop, pumping station, restaurant, public vehicle park, low-rise residential developments, village settlements, and planned residential developments including the proposed light public housing development which are under construction (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that no significant landscape impact arising from the proposed use is anticipated.
- 11.4 DEP does not support the application as the proposed use would cause traffic of heavy vehicles and environmental nuisance is expected as there are sensitive receivers in the vicinity of the Site (i.e. the nearest residential structure is about 49m south of the Site). Notwithstanding this, the Site is accessible from its west via a local access road directly connecting to Kam Pok Road without passing through the surrounding residential structures (**Plan A-2**). Besides, the operation is subject to relevant pollution control ordinances and environmental protection regulations in which the applicant has committed to comply with. To address DEP’s concerns, the applicant will be advised to follow the revised CoP issued by the EPD to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 11.5 Other relevant government departments consulted including the Director of Fire Services and the Chief Highway Engineer/New Territories West, Highways Department have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.6 The Site is the subject of one approved previous application (No. A/YL-MP/148) for similar temporary private vehicle park use and there are two similar applications approved in the vicinity of the Site in the past five years. Approving the current application is in line with the Committee’s previous decision.
- 11.7 Regarding the local comments conveyed by DO/YL, HAD and the public comments received during the statutory inspection period as stated in paragraphs

9.4.2 and 10 above respectively, the planning considerations and departmental comments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account local comments conveyed by DO/YL, HAD and the public comments mentioned in paragraphs 9.4.2 and 10 above respectively, PlanD 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 three years until 14.2.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage impact assessment before the commencement of any construction works or operations (including site formation works) at the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the provision of drainage facilities before the commencement of any operation at the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (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 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 14.8.2025;
- (e) in relation to (d) 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 14.11.2025;
- (f) if the above planning condition (a) is not complied with before the commencement of any construction works or operations (including site formation works) at the site, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if the above planning condition (b) is not complied with before the commencement of any operation at the site, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) 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; and

- (i) if any of the above planning condition (d) or (e) 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 V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use and associated filling of pond/land are not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification 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

Appendix I	Application Form with attachments received on 14.11.2024
Appendix Ia	FI received on 9.1.2025
Appendix Ib	FI received on 14.1.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Paved Ratio Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**