

RNTPC Paper No. A/YL-NSW/318A  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 27.10.2023

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

**APPLICATION NO. A/YL-NSW/318**

<b><u>Applicant</u></b>	: Innovative Technology Charging Pile Holdings Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 3669 S.A ss.2, 3669 S.B ss.1, 3670 RP (Part), 3671 S.A, 3672 S.A, 3673 S.A and 3674 RP in D.D.104, Pok Wai, Yuen Long
<b><u>Site Area</u></b>	: About 4,736 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<b><u>Zoning</u></b>	: "Village Type Development" ("V") <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Electric Vehicle Charging Facility and Office for a Period of 5 Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (PVP) (excluding container vehicle) with ancillary electric vehicle (EV) charging facility and office for a period of 5 years and associated filling of land. The Site falls within an area zoned "V" on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1**). According to the Notes of the OZP for "V" zone, 'Public Vehicle Park (excluding Container Vehicle)' is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Filling of land within "V" zone also requires planning permission from the Board. Majority of the Site is currently used for parking of vehicles with valid planning permission (No. A/YL-NSW/305) and the remaining area is vacant.

1.2 According to the applicant, the proposed use involves five structures of 1 to 2 storeys (3.5 to 8m in height) with a total floor area of about 918m<sup>2</sup> (including four structures for covered parking spaces, server rooms and site offices, as well as one structure for transformer and switch room). The southern portion of the Site (about 3,372m<sup>2</sup>, or 71.2%) has already been filled with concrete of not more than 4.5m in depth under the valid planning permission (No. A/YL-NSW/305), while the remaining portion (about 1,364m<sup>2</sup>, or 28.8%) is soiled ground, which will be filled with concrete of not more than 0.2m in depth. 38 parking spaces (5m x 2.5m) for private cars and taxis, 16 parking spaces (3.5m x 7m) for light goods vehicles (LGVs) and 11 parking spaces (12m x 3.5m) for coaches will be provided. EV charging facilities will be provided for all 65 parking spaces. The proposed operation hours will be 24 hours daily. An ingress/egress (5.5m wide) of the Site is located at its northwestern side which is accessible to Kam Pok Road East. The site layout plan and paving 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 3.7.2023 **(Appendix I)**
- (b) Further Information (FI) received on 28.8.2023 <sup>#</sup> **(Appendix Ia)**
- (c) FI received on 25.9.2023 <sup>#</sup> **(Appendix Ib)**

*Remarks: <sup>#</sup> accepted and exempted from publication and recounting requirements.*

1.4 On 25.8.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer a decision on the application for two months.

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

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

- (a) The proposed temporary use will not jeopardize the long term planning intention of "V" zone and is not incompatible with the surrounding land uses. The applicant will reinstate the Site to an amenity area after the expiry of planning approval.
- (b) Although the proposed use is not entirely in line with the planning intention of "V" zone, it is proposed to serve the nearby residents and workers and meet the pressing demand of EV parking and charging spaces in Nam Sang Wai.

- (c) Majority of the Site is the subject of a previously approved planning application (No. A/YL-NSW/305). When compared with the previous application, the current application is in similar nature and scale, and approval of the current application is in line with the Board's previous decision.
- (d) To minimize potential nuisance, a 2m setback and a 2.5m high solid metal fencing with thickness of 5mm along the site boundary will be provided. The applicant will strictly follow guidelines from relevant departments to minimise adverse environmental, sewerage and traffic 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 and 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 notice to San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for 'Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance' (TPB PG-No. 12C) are relevant to the application. Relevant extract of the Guidelines are at **Appendix II**.

### **5. Background**

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

### **6. Previous Applications**

The Site (in part) is the subject of a previous application (No. A/YL-NSW/305) submitted by a different applicant for temporary PVP (excluding container vehicle) for a period of 5 years and associated filling and excavation of land. The application was approved with conditions by the Committee on 23.12.2022 (**Plan A-1**) mainly on the considerations that the proposed use would not frustrate the long-term planning intention of "V" zone; the proposed use was considered not incompatible with the surrounding land uses; and concerned government departments had no objection to or no adverse comments to the application. Details of the application is summarised at **Appendix III**.

## 7. **Similar Applications**

There is no similar application within the same “V” zone in the past five years.

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

8.1 The Site is:

- (a) partly used for parking of vehicles with valid planning permission (A/YL-NSW/305) and partly vacant;
- (b) accessible from Kam Pok Road East; and
- (c) largely located within the Wetland Buffer Area (WBA) of Deep Bay Area (about 92.5%).

8.2 The surrounding areas have the following characteristics:

- (a) to the north across Kam Pok Road East is an open storage yard of construction materials which is under a processing application (No. A/YL-NSW/312) for temporary open storage of construction materials and machinery with ancillary site office;
- (b) to the immediate east is a site for proposed filling of land for permitted houses (New Territories Exempted Houses (NTEH)) with valid planning permission (No. A/YL-NSW/310), as well as grassland and vacant land; and to the further southeast are some residential dwellings, including Merry Garden;
- (c) to the south and southwest are a fish pond and grassland; and
- (d) to the west are an open storage yard used by Towngas, and an open storage yard for vehicles.

## 9. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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 NTEH.

Other commercial, community, and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 to 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 bureau/department supports the application:

### **Policy Aspect**

10.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) supports the applicant's proposal of using the Site as a PVP with EV charging facilities and has no objection to the application from EV charging point of view since it is in line with the Government's policies and directions in promoting the wider use of EVs in Hong Kong; and
- (b) according to the Chief Executive's 2022 Policy Address, the Government aims to announce a roadmap for the promotion of electric public transport and commercial vehicles by 2025 and introduce about 3000 electric taxis by the end of 2027. A comprehensive quick charging network is needed to effectively support the operations of electric commercial vehicles and achieve the aforesaid target. In this connection, he suggests the applicant consider installing quick chargers (e.g. with output power of 100kW or higher) at the proposed site and opening up a certain number of parking spaces for electric commercial vehicles for use, e.g. electric taxis, to act in concert with his aforesaid policy directions on electric commercial vehicles.

### **Transport**

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

- (a) supports the application from traffic engineering perspective to meet the public demand of car parking spaces; and
- (b) his advisory comments are at **Appendix V**.

### **Nature Conservation**

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

- (a) he has no comment on the application; and
- (b) the Site is a piece of wasteland which is vacant and partly paved. The surrounding area is disturbed. The proposed use is unlikely to bring significant increase in the disturbance level this site is currently subject to. Given the above and the temporary nature of the proposed use, he considers that an ecological impact assessment is not necessary to support the planning application.

10.3 The following government department does not support the application:

### **Environment**

#### 10.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (CoP) as there are sensitive receivers in the vicinity (i.e. the nearest residential dwellings located to the east of the site with a distance of 18m) (**Plan A-2**) and the proposed use involves the use of heavy vehicles<sup>1</sup>, and environmental nuisance is expected;
- (b) there was no substantiated environmental complaint received at the Site in the past three years; and
- (c) his advisory comments are at **Appendix V**.

## **11. Public Comments Received During Statutory Publication Period**

On 14.7.2023, the application was published for public comment. During the statutory public inspection period, two objecting comments were received from The Conservancy Association and an individual (**Appendix VI**) on grounds that the proposed use is not in line with the planning intention of WBA; the proposed use would increase the environmental disturbance to the surrounding area when comparing with the previously approved application; and the application should not be supported as it is subject to planning enforcement action.

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<sup>1</sup> According to the CoP, ‘heavy vehicles’ include goods vehicles with permitted gross vehicle weight exceeding 5.5 tonnes and bus.

## 12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary PVP (excluding container vehicle) with ancillary EV charging facility and office for a period of 5 years and associated filling of land at the Site zoned “V” on the OZP (**Plan A-1**). According to the proposal, all 65 parking spaces will be equipped with EV charging facilities, with 38 intended to serve private cars and taxis, 16 for LGVs and 11 for coaches. The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion and commercial, community, and recreational uses may be permitted on application to the Board. Though being not entirely in line with the planning intention of the “V” zone, the proposed PVP for private cars and taxis, LGVs and coaches can serve nearby residents and workers and meet the pressing demand for EV parking and charging spaces in Nam Sang Wai. SEE supports the use of the Site as a PVP with EV charging facilities as it is in line with the Government’s policies and directions in promoting the wider use of EV in public transport and commercial vehicles as well as electric taxis. C for T also supports the application from traffic engineering perspective in meeting the public demand for car parking spaces. Besides, there is no Small House application approved or under processing at the Site as advised by the District Lands Officer/Yuen Long, Lands Department. Approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The proposed use is considered not incompatible with the surrounding uses, which are predominantly storage yards, vacant land, grassland, fish pond and residential dwellings. Besides, the Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. Director of Agriculture, Fisheries and Conservation has no objection to the application from nature conservation point of view.
- 12.3 Regarding DEP’s concerns mainly on the environmental nuisance due to the traffic of heavy vehicles as stated in paragraph 10.3.1, according to the submission, only private cars and taxis, LGVs and coaches are allowed to be parked at the Site, and no medium/heavy goods vehicles and container vehicles would be allowed to be parked at the Site. The vehicular access to Kam Pok Road East is proposed near the northwestern part of the Site with a distance of 18m from the residential dwellings to the east. The applicant also proposes to erect solid metal fencing along the site boundary and provide a 2m setback to minimize potential nuisance to the surrounding areas. Besides, there was no substantiated environmental complaint received in the past 3 years against the existing PVP (without container vehicle) within the Site covered by a valid planning permission. To address DEP’s concerns, a relevant approval condition restricting vehicle types is recommended in paragraph 13.2 below. To minimise potential environmental impacts of the proposed use on the surrounding areas, the applicant will be advised to follow the “Code of Practice on Handling the

Environmental Aspects of Temporary Use and Open Storage Site” issued by the DEP.

- 12.4 The proposed land filling would unlikely cause significant adverse impacts on the area. Chief Engineer/Mainland North, Drainage Services Department has no objection in principle to the proposed filling of land from public drainage point of view. Other relevant departments including Director of Fire Services, and Chief Town Planner/Urban Design and Landscape, Planning Department have no adverse comment on the application. To address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Part of the Site is the subject of a previously approved application for temporary PVP (excluding container vehicle) for a period of 5 years and associated filling and excavation of land as detailed in paragraph 6 above. The Committee’s considerations on this previous application are generally applicable to the current application. Approval of the current application is in line with the previous decision of the Committee.
- 12.6 Regarding the opposing public comments received during the statutory public inspection period of the application as detailed in paragraph 11, the planning assessment and departmental comments above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 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 5 years until 27.10.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### **Approval Conditions**

- (a) all parking spaces provided at the Site shall be equipped with electric vehicle charging facilities;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) only private cars, light goods vehicles and coaches, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site



at any time, as proposed by the applicant, during the planning approval period;

- (d) no vehicle without valid license issued under the Road Traffic (Registration and Licensing of Vehicles) regulations is allowed to be parked/stored on the Site at any time, as proposed by the applicant, during the planning approval period;
- (e) 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 27.4.2024;
- (f) in relation to (e) 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 27.7.2024;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installation 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 27.4.2024;
- (i) in relation to (h) 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 27.7.2024;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning condition (e), (f), (h) or (i) 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 V**.

- 13.3 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 designate both existing recognized villages and areas of land considered

suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning 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**

<b>Appendix I</b>	Application form received on 3.7.2023
<b>Appendix Ia</b>	FI received on 28.8.2023
<b>Appendix Ib</b>	FI received on 25.9.2023
<b>Appendix II</b>	Extract of TPB PG-No. 12C
<b>Appendix III</b>	Previous applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Drawing A-2</b>	Plan showing filling of land
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a to 4b</b>	Site photos

**PLANNING DEPARTMENT  
OCTOBER 2023**