

RNTPC Paper No. A/YL-PH/1003
For Consideration by the
Rural and New Town
Planning Committee
on 24.5.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1003

<u>Applicant</u>	:	Mr. CHEUNG Muk Wing and Mr. CHEUNG Fook Hing represented by Miss WAI Siu Yiu
<u>Site</u>	:	Lot 741 (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 1,265m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	:	“Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Proposed Temporary Private Vehicle Park for a Period of Three Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park for a period of three years and filling of land at the application site (the Site), which falls within an area zoned “V” on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “V” zone also requires planning permission from the Board. The Site is currently fenced-off, vacant and covered with weeds (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves 37 parking spaces for private cars and one structure with floor area of 10m² and building height of not more than 3m for reception use. The applicant also applies for proposed filling of land for the entire Site with a depth of about 0.5m (from +21.7mPD to +22.2mPD) for site formation for parking of vehicles and vehicular circulation (**Drawing A-2**). The proposed operation hours will be 24 hours daily including public holidays. The Site is accessible from Fan Kam Road via local tracks (**Plans A-1 and A-2**). The layout plan and paving plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application form with supplementary information (**Appendix I**) received on 2.4.2024
- (b) Further Information (FI) received on 13.5.2024* (**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, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The proposed temporary private vehicle park is for private cars and only used by the local villagers of Sheung Che Tsuen as there are insufficient parking spaces to cater for their demand. The vehicle park would provide convenience for the local villagers as the Site is within 100m of Fan Kam Road.
- (b) The proposed use would provide benefits to the local villagers by utilising vacant land. It could also help reduce flooding through site formation, prevent mosquito proliferation and improve the traffic condition by increasing the number of parking spaces.
- (c) The applicant undertakes to comply with the relevant approval conditions which may be imposed by the government departments.

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

The applicant is one of the “current land owners” 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.31B) by publishing notices in local newspaper and sending notice to Pat Heung Rural Committee by local registered post. Detailed information would be deposited at the meeting for Members’ 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 eight similar applications (No. A/YL-PH/794, 820, 853, 871, 872, 912, 928, 931), involving six sites, for various temporary vehicle park uses (including four renewals of temporary planning permissions and one with filling of land) within the same “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between August 2019 and November 2022, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of ‘V’ zone; the proposed use was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/794 was subsequently revoked in 2020 due to non-compliance with the approval conditions.
- 6.2 Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 6.3 Other than the similar applications stated in paragraph 6.1 above, applications No. A/YL-PH/982 and 983 for temporary public vehicle park within “V” zone on the Pat Heung OZP will be considered by the Committee at the same meeting.

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

- 7.1 The Site is:
 - (a) currently fenced-off, vacant and covered with weeds; and
 - (b) accessible from Fan Kam Road via local tracks.
- 7.2 The surrounding areas are rural in character intermixed with the village settlements of Sheung Che Tsuen, parking of vehicles (involving one site with valid planning permission under application No. A/YL-PH/931), private club (with valid planning permission under application No. A/YL-PH/904), open storage yards and vacant land.

8. **Planning Intention**

- 8.1 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. Other

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

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

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

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

10. Public Comment Received During Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the ground that there was no history of approval for the proposed use.

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permission for proposed temporary private vehicle park for a period of three years and filling of land at the Site zoned “V” (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognized 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, and other commercial, community and recreational uses may be permitted on application to the Board. The proposed private vehicle park is similar in nature to a public vehicle park (excluding container vehicles) which is a Column 2 use within the “V” zone, and is not entirely in line with the planning intention of the “V” zone. Nevertheless, there is no Small House application approved or under processing within the Site as advised by the District Lands Officer/Yuen Long of the Lands Department (DLO/YL of LandsD). According to the applicant, the proposed use is intended to serve the local villagers of Sheung Che Tsuen. C for T supports the application from traffic engineering perspective to address the local demand for parking spaces. It is considered that temporary

approval of the application for a period of three years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses intermixed with village settlements, parking of vehicles, private club and open storage yards. The Chief Town Planner/Urban Design and Landscape, Planning Department considers that no significant adverse landscape impact arising from the proposed use is anticipated.
- 11.4 Other relevant 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 departments, appropriate 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 the Environmental Protection Department to minimise any potential environmental nuisance by the proposed use.
- 11.5 There are eight approved similar applications in the vicinity of the Site as mentioned in paragraph 6.1. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 For the public comment objecting to the application 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 comment as mentioned in paragraph 10, the Planning Department 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 24.5.2027. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) 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;

- (b) no vehicle 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;
- (c) 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 24.11.2024;
- (d) in relation to (c) 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 24.2.2025;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 24.11.2024;
- (g) in relation to (f) 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 24.2.2025;
- (h) if any of the above planning condition (a), (b) or (e) 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 (c), (d), (f) or (g) 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 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 filling of land is not in line with the planning intention of the "V" zone which 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. There is no strong planning justification 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 2.4.2024
Appendix Ia	FI received on 13.5.2024
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendices V	Public comment
Drawing A-1	Layout plan
Drawing A-2	Paving plan
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4	Site photos