

RNTPC Paper No. A/YL-PH/1004
For Consideration by the
Rural and New Town
Planning Committee
on 21.6.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1004

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Various Lots in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 2,268m ² (including GL of about 134 m ² (about 6%))
<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 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 zoned “V” on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within the “V” zone which 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 paved and vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves 38 parking spaces for private cars and four parking spaces for light goods vehicles. The applicant also applies for regularisation of filling of land for the entire Site with a depth of about 0.1m by asphalt and concrete for site formation and vehicular circulation (**Drawing A-2**). The proposed operation hours will be 24 hours daily including public holidays. The Site is accessible from Kam Tin Road via local tracks (**Plans A-1 to A-3**). The 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 supplementary information (**Appendix I**)
received on 23.4.2024
- (b) Further Information (FI) received on 30.5.2024* (**Appendix Ia**)
- (c) FI received on 7.6.2024* (**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 proposed use is to serve the villagers in the surrounding areas. The temporary nature of the application will not frustrate the long-term planning intention of the “V” zone. Whilst there might be Small House applications within the Site under processing, the applicant will liaise with the relevant lot owner(s) for implementing the proposed use and undertakes to cease operation of the proposed use and vacate the Site when any of the Small Houses are implemented after approval.
- (b) The proposed use is for private cars and light goods vehicles, and no vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the Site. Besides, the width of the roads surrounding the Site is insufficient for the passage of medium or heavy goods vehicles. Electric vehicle (EV) chargers will not be provided as the demand for such facilities is not significant. No tree felling will be involved for implementing the proposed use. No recycling, cleansing, repairing, dismantling works or other workshop activities will be involved at the Site. The proposed use will not induce adverse traffic, fire safety and environmental impacts on the surrounding areas. The applicant undertakes to comply with the approval conditions which may be imposed by the relevant government departments.
- (c) An existing track connecting to surrounding places is within the Site. The Site, including the existing ingress/egress at the northern part of the Site, will not be fenced-off. With the proposed use, the existing pedestrian/vehicular access through the Site will be maintained.

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

The applicant is not a “current land owner” of the private land portion of the Site 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 notices and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the GL portion of the Site, the “Owner’s Consent/Notification” Requirements are not applicable.

4. **Background**

Majority of the Site is subject to planning enforcement action against unauthorised development (UD) involving use for place for parking of vehicles and storage use (**Plan A-2**). Enforcement Notice (No. E/YL-PH/919) was issued on 26.1.2024 requiring discontinuation of the UD. If the notice is not complied with, prosecution action may be taken.

5. **Previous Application**

There is no previous application covering the Site.

6. **Similar Applications**

6.1 There are three similar applications (No. A/YL-PH/853, 912 and 928), involving two sites, for temporary vehicle park use (including two renewals of temporary permissions and one with filling of land) within the same “V” zone in the vicinity of the Site in the past five years. All of these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between October 2020 and September 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 approval conditions.

6.2 Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently paved and vacant; and
- (b) accessible from Kam Tin Road via local tracks.

7.2 The surrounding areas are rural in character intermixed with the village settlements of Wang Toi Shan Shan Tsuen, open storage/storage yards (without valid planning permission), motor vehicle showroom (with planning permission under application No. A/YL-PH/970) and vacant land. To the north of the Site is a nullah.

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) no comment on the proposed transport arrangement under the application and the 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 raising concerns regarding issues on the existing passageway within the Site; provision of EV charging facilities; and tree felling at the Site.

11. **Planning Considerations and Assessments**

- 11.1 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 Site zoned “V” (**Plan A-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 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 use is not entirely in line with the planning intention of the “V” zone. Whilst according to the District Lands Officer/Yuen Long of the Lands Department (DLO/YL of LandsD) there are Small House applications under processing within the Site, he has no adverse comment on the application. In this regard, the applicant undertakes to cease operation of the proposed use and vacate the Site when any of the Small Houses are implemented after approval. The applicant indicates that the proposed use is to serve the villagers in the surrounding areas, and 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 (DEP) 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, open storage/storage yards, motor vehicle showroom and vacant land. The Chief Town Planner/Urban Design and Landscape, Planning Department considers that no significant adverse landscape impact 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 DEP to minimise any potential environmental nuisance by the proposed use.
- 11.5 There are three 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 as mentioned in paragraph 10 above, the applicant indicates that EV chargers will not be provided as the demand for such facilities is not significant and no tree felling will be involved. Regarding the existing track within the Site, according to the applicant, the existing pedestrian/vehicular access to the surrounding places through the Site will be maintained. In this regard, C for T has no comment on the proposed transport arrangement. Besides, the departmental comments and planning assessments above are also 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 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 21.6.2027. The following conditions of approval and advisory clauses are 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 21.12.2024;
- (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 21.3.2025;
- (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 21.3.2025;
- (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; and
- (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.

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 supplementary information received on 23.4.2024
Appendix Ia	FI received on 30.5.2024
Appendix Ib	FI received on 7.6.2024
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix 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
Plan A-4	Site photos