

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1008

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 372 RP (Part) and 374 RP (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 330m 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>	:	“Agriculture” (“AGR”)
<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 “AGR” on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). 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). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves five parking spaces for private cars and two parking spaces for light goods vehicles. The applicant also applies for proposed filling of land for the entire Site with a depth of about 0.1m by asphalt for site formation and vehicle circulation (**Drawing A-2**). The proposed operation hours will be 24 hours daily including public holidays. The Site is accessible to Kam Tin 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 received (**Appendix I**) on 25.4.2024
- (b) Further Information (FI) received on 17.6.2024* (**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 use is intended to provide parking spaces to meet the needs of the users and operators of the storage yards nearby including those within the “Open Storage” and “Industrial (Group D)” zones to the south. The temporary nature of the application will not jeopardise the long-term planning intention of the “AGR” zone.
- (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. No recycling, cleansing, repairing, dismantling works or other workshop activities will be involved at the Site. A drainage proposal is submitted to support the application. The proposed use will not induce adverse traffic, environmental and drainage impacts on the surrounding areas. The applicant undertakes to comply with the approval conditions which may be imposed by the relevant government departments.
- (c) The Site is separated from the nullah to the north by an existing road. The applicant will avoid affecting the nullah and the existing vegetation to the north of the Site during land filling works.

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 notices and sending notice to the Pat Heung Rural Committee by registered mail. 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 two similar applications (No. A/YL-PH/857 and 955) for temporary vehicle park use (including one with filling of land) within “AGR” zones on the Pat Heung OZP in the vicinity of the Site in the past five years. The two applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in July 2021 and September 2023 respectively, mainly on the considerations that the proposed use on a temporary basis could be tolerated; 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 vacant; and
 - (b) accessible to Kam Tin Road via local tracks.
- 7.2 The surrounding areas are rural in character intermixed with parking of vehicles (with valid planning permissions under applications No. A/YL-KTN/888 and 915 within the Kam Tin North OZP area), open storage/storage yards (all without valid planning permission except for the site under application No. A/YL-PH/936), shop and services (with valid planning permissions under applications No. A/YL-PH/972 and 984), plant nursery and vacant land. A nullah is to the north of the Site across an existing road. A transitional housing development approved under application No. A/YL-PH/999 to the further west of the Site within about 75m is under implementation.

8. Planning Intention

- 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.
- 8.2 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.

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 does not support the application:

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is generally vacant. The agricultural activities are active in the vicinity, and 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, greenhouses, plant nurseries, etc. As the Site processes potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and
- (b) no comment on the application from nature conservation perspective.

9.3 The following government department supports the application:

Transport

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**.

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

The application was published for public inspection. During the statutory public inspection period, two public comments were received from an individual and Kadoorie Farm & Botanic Garden. The individual objects to the application mainly on the grounds that the proposed use would extend brownfield operations and there is no residence nearby; and Kadoorie Farm & Botanic Garden raises concern on any unauthorised activity/enforcement case involved at the Site.

11. Planning Considerations and Assessments

11.1 The application seeks planning permission for temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land at the

Site zoned “AGR” (**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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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. Nonetheless, according to the applicant, the proposed use is intended to meet the needs of the users and operators of the storage yards nearby, and C for T supports the application from traffic engineering perspective to address the local demand for parking spaces. Taking into account the planning assessments below, the proposed use on a temporary basis for a period of three years could be tolerated.

- 11.2 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 the Drainage Services Department and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring reinstatement of the Site upon expiry of the planning permission is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses intermixed with parking of vehicles, open storage/storage yards, shop and services, plant nursery and vacant land. The proposed use involving a site area of about 330m² is not significant in scale. The Chief Town Planner/Urban Design and Landscape of the Planning Department also considers that significant adverse landscape impact is not anticipated and has no objection from landscape planning perspective.
- 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 two 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 comments mentioned in paragraph 10, the Site is currently not subject to any planning enforcement action; and 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 taking into account the public comments 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 21.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) upon expiry of the planning permission, the reinstatement 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 filling of land is not in line with the planning intention of the "AGR" zone which 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 purpose. There is no strong planning justification 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 supplementary information received on 25.4.2024
Appendix Ia	FI received on 17.6.2024
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	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