

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1028

- Applicant** : 鄧傑行先生
- Site** : Lots 2816 (Part), 2817 (Part), 2821 (Part) and 2823 S.A (Part) in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long, New Territories
- Site Area** : About 801m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (private cars only) for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently vacant and covered by weeds (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, the proposed use would provide 20 parking spaces for private cars only and no structure would be erected on the Site (**Drawing A-1**). The proposed use will only serve the residents of Wang Toi Shan, but not the general public. The applicant also applies for associated filling of land for the entire Site with concrete of about 0.1m for site formation. The proposed vehicle park will operate 24 hours daily including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form received on 19.8.2024 and (Appendix I) supplementary information received on 22.8.2024
- (b) Further Information (FI) received on 26.9.2024* (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**, and can be summarised as follows:

- (a) The proposed use is mainly intended to provide parking spaces to meet the parking demand of nearby villagers in Wang Toi Shan as they mainly commute by cars. The proposed use can help alleviate the problem of illegal parking.
- (b) The proposed vehicle park for private cars only will be charged by monthly or yearly rental and will not be open to the general public. No heavy goods vehicle will be allowed to be parked at the Site.
- (c) A drainage proposal and a fire service installations (FSIs) proposal are submitted in support of the current application.

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

The applicant is not the “current land owner” 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 Section 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.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

There is no previous application involving the Site.

6. Similar Application

- 6.1 There is one similar application (No. A/YL-PH/976) for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.12.2023 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions.
- 6.2 Details of the similar application are summarised in **Appendix II** and the location is 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 covered by weeds; and
 - (b) accessible from Kam Tin Road via a local track.
- 7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards intermixed with scattered residential structures, warehouse, vehicle repair workshops, grass land and vacant land.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds 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 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 supports the application:

Transport

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

supports the application from traffic engineering perspective to address the local demand for parking spaces.

9.3 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally abandoned. 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.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 27.8.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received including one objecting to the application (**Appendix Va**), one expressing concern on the application (**Appendix Vb**) and one comment from the Chairman of the Yuen Long Town Centre and Rural East Area Committee indicating no comment on the application (**Appendix Vc**).
- 10.2 The objecting comment was received from an individual mainly on the grounds that the current application would legitimise an existing brownfield operation and a land use review is required to reflect the actual site condition. Another comment received from the Kadoorie Farm and Botanic Garden expressed that investigation on the site history should be conducted prior the approval of the current application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private vehicle park (private cars only) for a period of three years and associated 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,

and 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 the DAFC does not support the application from agricultural perspective. Notwithstanding this, according to the applicant, the proposed use is intended to meet the needs of villagers nearby. C for T supports the application for addressing the local parking demand. 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 Director of Environmental Protection 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 which are rural in character comprising mainly open storage/storage yards intermixed with scattered residential structures, vehicle repair workshops, warehouse, grass land and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection from landscape planning perspective considering that the proposed use is not incompatible with the surrounding areas and significant landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services, who also considers the submitted FSIs proposal acceptable, have no objection to or adverse comment on the application. To address the technical requirements of concerned government departments, relevant 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 the possible environmental nuisance caused by the proposed use on the surrounding areas.
- 11.5 There is one approved similar application in the vicinity of the Site as detailed in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comments mentioned in paragraph 10 above, the government departments’ comments and planning assessments above are 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 above, PlanD 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 4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 4.4.2025;
- (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 4.7.2025;
- (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 4.7.2025;
- (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;
- (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; and
- (g) 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 associated 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 and to retain

fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. 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 received on 19.8.2024 and Supplementary Information received on 22.8.2024
Appendix Ia	FI received on 26.9.2024
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices Va to Vc	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**