

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1031

- Applicant** : Chief Force Limited
- Site** : Lots 83 (Part), 85 RP (Part), 86 (Part), 87 S.B (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111 and Adjoining Government Land (GL), Shui Kan Shek, Pat Heung, Yuen Long
- Site Area** : About 1,318m² (including GL of about 110m² (about 8.3%))
- Lease** : Block Government Lease (demised for agricultural use) (91.7%)
GL (about 8.3%)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Private Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary private vehicle park (excluding container vehicle) for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “V” 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 “V” zone also requires planning permission from the Board. The Site is currently formed and used for the applied use with valid planning permission under application No. A/YL-PH/928 until 31.10.2024 (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track (**Plan A-2**). According to the applicant, the applied use provides 15 parking spaces for private cars and light goods vehicles only and no structure would be erected on the Site (**Drawing A-1**). No vehicles exceeding 5.5 tonnes, including container vehicles will be parked at the Site. The applied use will only serve the residents of Shui Kan Shek Tsuen, but not the general public. The applicant also applies for regularisation of associated filling of land for the entire Site with concrete of 0.1m from +27.9mPD

to +28mPD for site formation (**Drawing A-2**). The vehicle park will operate 24 hours daily including public holidays. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of seven previous planning applications for similar vehicle parking uses (details at paragraph 5 below). The last previous application submitted by the same applicant for the same applied use (No. A/YL-PH/928) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 23.9.2022. All of the approval conditions have been complied with, and the planning permission is valid until 31.10.2024. As the current application involves regularisation of filling of land at the Site, a fresh application is required.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supporting documents received on 6.9.2024 and supplementary information received on 11.9.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 9.10.2024* (**Appendix Ia**)
 - (c) FI received on 22.10.2024* (**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 with supporting documents and FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) The applied use is temporary in nature and will not frustrate the long-term planning intention of the “V” zone.
- (b) The temporary vehicle park is for serving the nearby villagers in Shui Kan Shek Tsuen for free and will not be open to the general public. Notices will be posted at prominent locations of the Site to prohibit parking of container vehicles and vehicles exceeding 5.5 tonnes at the Site. Mitigation measures including dimming of lights between 11:30 p.m. and 8:30 a.m. each day and posting of notices and rules at prominent locations of the Site forbidding honking and engine noise will be implemented to minimise the possible nuisance to the surrounding residents.
- (c) The approval conditions under the previous approval (No. A/YL-PH/928) have been complied with and the implemented facilities and landscaping are well maintained at the Site. The accepted drainage proposal with photo record of the existing drainage facilities and a fire service installations (FSIs) proposal under the previous approval are submitted in support of the current application.
- (d) The applicant states that an application for STT has been made to the Lands Department (LandsD) for the applied use and confirms that no structure will be erected within the portion of GL.

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. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

4. **Background**

The Site is not subject to any active enforcement action.

5. **Previous Applications**

5.1 The Site is the subject of seven previous planning applications (No. A/YL-PH/642, 653, 703, 737, 792, 853 and 928) for similar vehicle parking uses (including four renewals of planning approvals granted by the Board). All the applications, except application No. A/YL-PH/642, were approved with conditions by the Committee or upon review by the Board between February 2014 and September 2022 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” 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.

5.2 The last previous application No. A/YL-PH/928 submitted by the same applicant for the same applied use as the current application was approved with conditions by the Committee on 23.9.2022 mainly on the similar considerations as stated in paragraph 5.1 above. All of the approval conditions have been complied with and the planning permission is valid until 31.10.2024. Compared with the previous application, the current application has the same site area/boundary, layout, development parameters and operation mode, except that the current application involves regularisation of filling of land at the Site.

5.3 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6. **Similar Applications**

There are three similar applications (No. A/YL-PH/912, 982 and 1004), involving three sites, for temporary vehicle parking uses (including renewal of planning approvals granted by the Board) 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 Committee between April 2022 and June 2024 mainly on the similar considerations as stated in paragraph 5.1

above. Details of the similar applications are summarised in **Appendix III** and the 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 formed and used for the applied use with valid planning permission under application No. A/YL-PH/928; and
- (b) accessible from Fan Kam Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly residential structures of Shui Kan Shek Tsuen, open storage yards, a vehicle park (with valid permission under application No. A/YL-PH/982), vacant land and grassland/woodland.

8. Planning Intention

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 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 (NTEH). 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 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 IV** and **V** respectively.

9.2 The following government department supports the application:

Transport

9.2.1 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 has adverse comments on the application:

Land Administration

9.3.1 Comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD:

- (a) has adverse comment on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots 83, 85 RP, 86, 87 S.B., 87 RP and 92 RP in D.D. 111 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) Building Licence No. 2569 outside the Site was issued to permit erection of one building not containing more than three storeys, not exceeding 7.62m in height, with a built-over area not exceeding 65.03m² for non-industrial purpose on Lot 92 RP in D.D. 111. As stipulated in the above Licence, except for the building site, the remainder of the lot shall not be built upon and shall continue to be used for agricultural or garden purposes (**Plan A-2**);
- (d) no permission is given for occupation of GL (about 110m² as mentioned in the Application Form) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28;
- (e) there are unauthorised structure(s) and uses on Lot 83 in D.D. 111 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD. Warning letter has been registered in the Land Registry against the lot(s) concerned, if the unauthorised structure(s) was/were removed, the applicant should take appropriate action deemed necessary, including but not limited to applying to his office for the issuance of a Cancellation letter;
- (f) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Tenancy (STT) for the occupation of the GL. The application for STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STT, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. An STT application was received by his office; and
- (g) no Small House application approved or under processing within the Site.

10. Public Comment Received During Statutory Publication Period

On 13.9.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private vehicle park (excluding container vehicle) for a period of three years and associated 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, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the applicant indicates that the applied use is to serve the villagers in the vicinity and C for T supports the application for addressing the local parking demand. Besides, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/Small House development within the “V” zone in the long term. Hence, approval of the application on a temporary basis 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 Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. CE/MN, DSD also considers the submitted drainage proposal with photo records acceptable.
- 11.3 The applied use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly residential structures of Shui Kan Shek Tsuen, open storage yards, a vehicle park, vacant land and grassland/woodland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection from landscape planning perspective considering that significant landscape impact arising from the applied 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 applied use on the surrounding areas.

- 11.5 Regarding DLO/YL of LandsD's concerns on the unauthorised structures and uses on the Site which are subject to lease enforcement actions, the applicant states that an application for STT has been made to LandsD. To address his concerns, the applicant will be advised to liaise with LandsD to deal with the land issue separately under the land administration regime.
- 11.6 There are six previous and three similar applications approved for similar vehicle park use as mentioned in paragraphs 5 and 6 above. Approving the current application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, PlanD 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 25.10.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) 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 25.7.2025;
- (c) if the above planning condition (a) 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
- (d) if the above planning condition (b) 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 V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the "V" zone which is to provide land primarily 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.

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 Supporting Documents received on 6.9.2024 and Supplementary Information received on 11.9.2024
Appendix Ia	FI received on 9.10.2024
Appendix Ib	FI received on 22.10.2024
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-1	Land Filling 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**