

RNTPC Paper No. A/YL-PH/899  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 24.12.2021

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**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PH/899**

<b><u>Applicant</u></b>	: Chief Force Limited
<b><u>Site</u></b>	: Lots 2053 RP (Part), 2053 S.A ss.1, 2053 S.A ss.2, 2053 S.A ss.3, 2053 S.A RP and 2054 (Part) in D.D. 111, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	: About 525 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised agricultural use)
<b><u>Plan</u></b>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Private Car Park (excluding Container Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary private car park (excluding container vehicle) for a period of 3 years. The Site is zoned “V” on the Pat Heung OZP and the applied use is neither a Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently fenced, paved and used for the applied use covered by planning permission under Application No. A/YL-PH/800 (**Plans A-3 to A-4**).
- 1.2 The Site is the subject of one previous application (No. A/YL-PH/800). It was approved with conditions by the Committee on 18.1.2019. All the approval conditions under the previous application have been complied with and the planning permission is valid until 18.1.2022.

- 1.3 According to the applicant, a total of 10 car parking spaces for private vehicles and light goods vehicles will be provided at the Site to serve the nearby residents. Only vehicle not exceeding 5.5 tonnes will be parked within the Site. No structure are proposed on-site. The operation hours are between 8:00 a.m. to 9:00 p.m, Mondays to Sundays including public holidays. The site layout plan, with a fire services installation proposal incorporated, as submitted by the applicant is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with planning statement and plans (**Appendix I**) received on 3.11.2021
  - (b) Further Information (FI) received on 15.12.2021 and (**Appendix Ia**) 16.12.2021 in response to departmental comments  
*[exempted from publication requirement]*

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, planning statement, plans and FI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The applied use is temporary in nature and would not frustrate the long-term planning intention of the “V” zone. The application is for renewal of the planning approval granted by the Rural and New Town Planning Committee (the Committee) and the applicant has complied with all the approval conditions.
- (b) The applicant will provide proper fire services installations at the Site and maintain the facilities regularly. The applied use will not generate traffic impact on Kam Tin Road and the surrounding area. Traffic signs will be provided at the Site for traffic safety. The applicant takes the responsibility of the management and maintenance of the local access road.
- (c) The temporary car park is to serve the nearby residents (on monthly rental basis) and could address illegal parking and traffic jam issues in the area. Reservation of the car parking space is needed and could be made via mobile apps or by phone.
- (d) There is no major change in the applied use compared with the previous Application No. A/YL-PH/800 and no change in the planning circumstances. No complaint from concerned government departments or the public have been received during the planning approval period.

### **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. 31A) by posting site notice and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are extracted below:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

### **5. Background**

The Site is currently not subject to any active enforcement action.

### **6. Previous Application**

- 6.1 The Site is the subject of one previous application (No. A/YL-PH/800) submitted by the same applicant for the same temporary private car park (excluding container vehicle). The application was approved with conditions by the Committee on 18.1.2019 for 3 years for the reasons that approval on a temporary basis would not frustrate the long-term planning intention; the proposed use was

not incompatible with surrounding areas; relevant departments consulted had no objection to or no adverse comment on the application; and potential nuisance could be addressed by appropriate approval conditions. Details of the previous application are summarized in **Appendix II** and the location is shown on **Plan A-1**.

- 6.2 Compared with the last Application No. A/YL-PH/800, the current application is the same as the last application in terms of site area / boundary, applied use, site layout and major development parameters. All the approval conditions under Application No. A/YL-PH/800 have been complied with. The planning permission is valid until 18.1.2022.

## 7. **Similar Applications**

There are 10 similar applications (No. A/YL-PH/ 35, 78, 88, 149, 746, 777, 832, 833, 856 and 877), involving 7 sites, for various temporary vehicle park uses in the same “V” zone or straddling “V” and adjoining “Open Storage” (“OS”) zones in the vicinity of the Site. All the applications were approved with conditions by the Committee mainly on considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intentions; the developments were not incompatible with the surrounding land uses and could support the nearby developments / meet the local parking demand; departments consulted in general had no adverse comments; and/or previous planning approvals for the same use were granted and there were no changes in planning circumstances. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:

- (a) paved, fenced and currently used for the applied use covered by planning permission under Application No. A/YL-PH/800; and
- (b) accessible via a local track from Kam Tin Road.

- 8.2 The surrounding areas are generally rural in character and mixed with residential structures/dwellings, open storage/storage yards, parking of vehicles and vacant land / grassland (**Plan A-2**):

- (a) to its east and south are residential dwellings/structures and open storage yards; and

- (b) to its north and west are residential dwellings/structures within Wang Toi Shan San Tsuen (橫台山新村). Further west are some vacant land and storage/open storage yards.

## 9. **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 ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## 10. **Comments from Relevant Government Departments**

- 10.1 The following government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer / Yuen Long, Lands Department (DLO/YL, LandsD)

- (a) The Site comprises Old Scheduled Agricultural Lots 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.
- (b) It is noted that no structure was proposed in the s.16 planning application.
- (c) There is no Small House application approved or under processing within the Site.

### **Traffic**

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) The applicant should be reminded that sufficient manoeuvring

space shall be provided within the Site. In addition, no vehicles should be allowed to queue back to or reverse onto / from public roads.

- (c) His department shall not be responsible for the management and maintenance of the local access road connecting the Site and Kam Tin Road.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highway Department (CE/NTW, HyD):

- (a) His department shall not be responsible for maintenance of any access connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

**Environment**

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no substantiated environmental complaint received in the past 3 years.
- (b) The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by DEP.

**Drainage**

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development.
- (b) Based on the planning statement enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under previous Planning application A/YL-PH/800.
- (c) Should the application be approved, approval conditions requiring maintenance of the drainage facilities implemented under Application No. A/YL-PH/800 and the submission of records of existing drainage facilities on-site to the satisfaction

of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

#### 10.1.6 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the renewal application subject to the existing fire service installations implemented on site being maintained in efficient working order at all times.

### **Water Supplies**

#### 10.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The applicant shall bear the cost of any necessary diversion works affected by the development.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the center line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No tree or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

### **Building Matters**

#### 10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

Noting that there is no proposed building works on the Site, he is not in the position to comment under the Buildings Ordinance.

### **District Officer's Comments**

10.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any comments from locals upon close of consultation and has no particular comments on the application.

10.2 The following government departments have no comment on / no objection to the application:

- (a) Director of Electrical and Mechanical Services;
- (b) Project Manager (West), Civil Engineering and Development Department; and
- (c) Commissioner of Police.

## **11. Public Comment Received During Statutory Publication Period**

On 11.11.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.12.2021, one comment from an individual was received (**Appendix IV**). The commenter objects to the application mainly on the grounds that the development would cause adverse traffic impact, environmental pollution and safety concerns to the villagers.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of the planning permission for temporary private car park (excluding container vehicle) for a period of 3 years within an area zoned "V". The planning intention of the "V" zone is intended 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. The applied use is not entirely in line with the planning intention of "V" zone. Nevertheless, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. According to the applicant, the proposed private car park is to serve the nearby residents. It is considered that temporary approval for 3 years of the application would not jeopardise the long-term planning intention of the "V" zone.

12.2 According to the applicant, the application is intended to continue to serve the nearby residents, which can help meet their car parking demand. The temporary carpark under application is considered not incompatible with surrounding areas which are generally rural in character and mixed with residential



structures/dwellings, open storage/storage yards, parking of vehicles and vacant land.

- 12.3 The application is generally in line with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval (Application No. A/YL-PH/800) for the same applied use, the applicant has complied with all the approval conditions, and the renewal of planning approval period sought is of the same time frame as the previous approval.
- 12.4 Relevant government departments, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on or no objection to the application. The applied use will unlikely create significant adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. To minimise any potential environmental nuisance, approval conditions restricting the operation hours, prohibiting medium or heavy goods vehicles and workshop activities, and provision of a site notice are recommended in paragraphs 13.2 (a) to (e) below. Besides, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP in order to alleviate any potential environmental impacts on the nearby sensitive receivers. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 13.2 (f) to (h) below.
- 12.5 Apart from the previous approval (No. A/YL-PH/800) for the same applied use granted for the Site in 2019, there are 10 similar applications for various temporary vehicle park uses within the same “V” zone which were all approved by the Committee between 1999 and 2021 mainly for the reasons as stated in paragraph 7 above. Approval of the application is in line with the previous decisions of the Committee.
- 12.6 One public comment was received during the statutory application period objecting to the application as stated in paragraph 11 above. In this regard, relevant departments’ comments as well as the planning assessments and considerations stated above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment in paragraph 11, the Planning Department considers that the applied use could be tolerated for a further period of 3 years.
- 13.2 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 3 years and be

renewed from 19.1.2022 until 18.1.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicles 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;
- (d) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of the record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2022;
- (h) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (i) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (h) 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

- (j) if the above planning condition (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.

*[The above approval conditions are similar to those under the last approved Application No. A/YL-PH/800, except those on deletion of the conditions on the submission and implementation of drainage proposal, the submission and implementation of fire service installations proposal, and the addition of maintenance of the existing drainage facilities and fire service installations implemented on-site based on the latest comments of CE/MN of DSD and D of FS.]*

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 There is no strong reason to reject the renewal application.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the renewal of the planning permission.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

### **15. Attachments**

<b>Appendix I</b>	Application Form with Planning Statement and Plans Received on 3.11.2021
<b>Appendix Ia</b>	FI Received on 15.12.2021 and 16.12.2021
<b>Appendix II</b>	Previous Application Covering the Site
<b>Appendix III</b>	Similar Applications within the Same “V” Zone in the Vicinity of the Site
<b>Appendix IV</b>	Public Comment Received During the Statutory Publication Period

<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan with Fire Services Installations Proposal
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2021**