

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/912

<u>Applicant</u>	: Chief Force Limited
<u>Site</u>	: Lot 2794 (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 1,151m 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>	: “Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Temporary Private Car Park (Excluding Container Vehicle) for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary private car park (excluding container vehicle) for a period of 3 years and filling of land. The Site is zoned “V” on the OZP and the proposed use is neither a Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use or development 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. Filling of land in the “V” zone also requires planning permission from the Board. The Site is currently vacant and overgrown with weeds (**Plans A-2 to A-4**).
- 1.2 According to the applicant, 8 private car parking spaces and 2 light goods vehicle parking spaces will be provided at the Site. No structure is proposed at the Site. The operation hours will be from 8:00 a.m. to 10:00 p.m. daily including public holidays. The Site is proposed to be paved by asphalt by about 0.05m in depth (from +31.06mPD to +31.11mPD and from +31.11mPD to +31.16mPD). The Site is accessible from Kam Tin Road via a short local access. The site 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 with supplementary information (Appendix I) received on 25.2.2022
- (b) Further Information (FI) received on 19.4.2022 (Appendix Ia)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form and FI at **Appendices I and Ia**, which could be summarised as follows:

- (a) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone.
- (b) The scale of the proposed temporary carpark is small and will not cause adverse impacts to the surrounding areas.
- (c) The applicant has submitted a drainage proposal, a fire service installations proposal and information on the estimated trip generation in support of the application.

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

4. **Background**

The Site is not the subject of any active planning enforcement action.

5. **Previous Application**

There is no previous application covering the Site.

6. **Similar Application**

There is no similar application within the same “V” zone on the OZP.

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

7.1 The Site is:

- (a) vacant and overgrown with weeds; and
- (b) accessible from Kam Tin Road via a short local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its north, south and west are residential structures / dwellings, parking of vehicles, open storage yards, a workshop, vacant land and a site with construction works in progress; and
- (b) to its east in the “V” zone and further east in the adjacent “Agriculture” zone are open storage / storage yards, a workshop and vacant land / structure.

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 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

The government 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.

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

The application was published for public inspection. During the statutory public inspection period, 2 public comments were received. Two individuals object to the application mainly on the grounds that the proposed development would cause adverse impacts on traffic, environment and fire safety thus affecting the well-being of the villagers nearby; and question the intention of the planning application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private car park (excluding container vehicle) for a period of 3 years and filling of land (by about 0.05m in depth) in “V” zone. 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. The proposed 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. It is considered that approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone. Filling of land within the “V” zone requires planning permission from the Board. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.
- 11.2 The proposed use is for provision of 8 private car parking spaces and 2 light goods vehicle parking spaces. It is considered not incompatible with the surrounding areas which is rural in character intermixed with residential structures / dwellings, parking of vehicles, open storage yards and vacant land / structure.
- 11.3 Taking into account its nature and small scale of the development, it is envisaged that the proposed use would unlikely result in adverse traffic, environmental and drainage impacts. Relevant departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize any potential impacts that may be caused by the proposed development and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also 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”.
- 11.4 Regarding the public comments on the application as detailed in paragraph 10 above, 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 having taking into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary private car park (excluding container vehicle) and filling of land could be tolerated for a period of 3 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 3 years until

22.4.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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;
- (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) 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;
- (d) the implementation of the accepted 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 22.10.2022;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.10.2022;
- (g) if the above planning condition (a), (b), (c) or (e) 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
- (h) if any of the above planning condition (d) or (f) 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 attached 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 development is not in line with the planning intention of the “V” zone which 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. No strong planning justification has been given in the submission to justify 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 attachments received on 25.2.2022
Appendix Ia	FI received on 19.4.2022
Appendix II	Public comments
Appendix III	Government departments’ general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
APRIL 2022**