

RNTPC Paper No. A/YL-PH/922
For Consideration by
the Rural and New Town
Planning Committee
on 15.7.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/922

<u>Applicant</u>	:	Chief Force Limited represented by Top Bright Consultants Limited
<u>Site</u>	:	Lots 163 (Part), 164 (Part), 165 (Part) and 166 (Part) in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 834 m 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>	:	“Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
<u>Application</u>	:	Temporary Private Vehicle Park (Private Cars Only) 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 temporary private vehicle park (private cars only) for a period of 3 years and filling of land. The Site is zoned “R(D)” on the Pat Heung OZP and the applied use is neither a Column 1 nor Column 2 use in the “R(D)” zone. According to the covering Notes of the OZP, temporary use or development of any land or building 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 within “R(D)” zone also requires planning permission from the Board. The Site is currently paved, partly vacant and partly used for parking of vehicles with valid planning permission under Application No. A/YL-PH/852 (**Plans A-2 to A-4**).
- 1.2 According to the applicant, 11 parking spaces for private cars are provided on-site for use by the villagers / residents living in the vicinity as well as their visitors. The whole site is filled with concrete by not more than 0.2m in depth (from +57 mPD to +57.2 mPD) for site formation, parking and circulation space. No structure will be erected on-site and the Site will not be fenced off. The operation hours are 24 hours daily. The Site is accessible to Fan Kam

Road via a local track. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2**.

- 1.3 The Site is involved in two previous applications (No. A/YL-PH/240 and 852) (details at paragraph 5 below). The last application No. A/YL-PH/852, submitted by the same applicant for the same applied use, was approved with conditions by the Rural and New Town Planning Committee (the Committee) in September 2020. All the approval conditions under the previous application have been complied with and the planning permission is valid until 18.9.2023. A comparison of the major development parameters of the last approved application and the current application is summarized below:

	Last Application No. A/YL-PH/852 (a)	Current Application (b)	Difference (b)-(a)
Applied Use	Proposed temporary private vehicle park (private cars only) for a period of 3 years	Temporary private vehicle park (private cars only) for a period of 3 years and filling of land	Addition of 'filling of land'
Site Area (m ²) (about)	442	834	+392 (+89%)
No. of Structure	0	0	-
No. of Parking Spaces for Private Cars	9	11	+2 (22%)

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

- (a) Application form with supplementary information (**Appendix I**) received on 24.5.2022
- (b) Further information (FI) received on 5.7.2022 and (**Appendix Ia**) 7.7.2022

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 in **Appendices I** and **Ia**. They can be summarized as follows:

- (a) Temporary use of the Site for private vehicle park would not frustrate the long-term planning intention, and can efficiently utilize the land resources. The development is compatible with the surrounding environment and similar applications are found in its vicinity.
- (b) The public transportation service in the area is inadequate and the nearby residents have genuine need for commuting by private cars.

- (c) The current application is generally the same in nature as the previous application (No. A/YL-PH/852) and all the approval conditions have been complied with. The extension of site boundary is for accommodating more parking spaces in response to the increasing parking demand and to provide a safer and wider parking environment for the drivers.
- (d) The filling of land of not more than 0.2m in depth is to regularize the existing condition on-site.
- (e) The relevant “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” will be followed. The development will not induce significant adverse traffic, environmental and drainage impacts to the surrounding areas.

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 notice at the Site 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 planning enforcement action.

5. Previous Applications

- 5.1 Part of the Site is involved in two previous applications (No. A/YL-PH/240 and 852). The former application for temporary open storage of construction materials is not relevant to this application which is for temporary private vehicle park. Application No. A/YL-PH/852 for temporary private vehicle park submitted by the same applicant as the current application was approved with conditions by the Committee in September 2020 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the applied use was not incompatible with the surrounding land uses; relevant departments in general had no adverse comments and / or their technical concerns could be addressed by appropriate approval conditions. All the approval conditions under the previous application have been complied with and the planning permission is valid until 18.9.2023.
- 5.2 Compared with the development scheme under the last approved Application No. A/YL-PH/852, there are changes in the layout and major development parameters, including an increase in site area / boundary and number of parking spaces, details of which are set out in paragraph 1.3 above.

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

6. Similar Applications

- 6.1 There are 4 similar applications (No. A/YL-PH/745, 836, 849 and 862) for temporary vehicle park uses within the “R(D)” zone in the vicinity of the Site in the past 5 years. Application No. A/YL-PH/836, which involved the parking of medium goods vehicles and was considered not compatible with the surrounding land uses, was rejected by the Committee in May 2020, while all the other three applications, for parking of private cars and / or light goods vehicles, were approved with conditions by the Committee between July 2017 and December 2020 for similar considerations as stated in paragraph 5.1 above.
- 6.2 Details of these applications are summarized in **Appendix II** and the locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) paved, partly vacant and partly used for parking of vehicles covered by valid planning permission under Application No. A/YL-PH/852; and
 - (b) accessible to Fan Kam Road via a local track.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its east are residential dwellings/structures, vacant structures, ruins and a grave. To the further southeast is woodland in an area zoned “Conservation Area” (“CA”);
 - (b) to its south and southwest are an open storage yard (with valid planning permission under Application No. A/YL-PH/909), residential structures/dwellings and woodland. To the further southwest and west, across a stream course, are orchards and woodland; and
 - (c) to its north are open storage yards, parking of vehicles, residential structures/dwellings, a shrine, a stream course, grassland and vacant land.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also

intended for low-rise, low density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

All 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 V)

The application was published for public inspection. During the statutory public inspection period, three public comments from a District Councillor and two individuals were received. The District Councillor supports the application mainly for the reasons that there is a genuine demand for parking spaces in the community and the development could alleviate the illegal parking issue. Two individuals object to the application mainly on the grounds that the development would cause adverse traffic impact, environmental pollution and safety concerns to the nearby villagers; and it is questionable as to the need for enlarging the site area for car parking purpose.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private vehicle park (private cars only) for a period of 3 years at the Site zoned “R(D)” (**Plan A-1a**) and filling of land at the Site by not more than 0.2 m in depth for site formation and circulation purposes. The development is not in line with the planning intention of the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings; and is also intended for low-rise, low density residential developments subject to planning permission from the Board. Nevertheless, the temporary car park is intended to serve the nearby neighbourhood which can help support the residents in the same “R(D)” zone. Besides, there is no known proposal for permanent development at this part of the “R(D)” zone. It is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(D)” zone. Filling of land within “R(D)” 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 applied use is considered not incompatible with the surrounding area, which is mainly rural in character intermixed with residential dwellings/ structures, open storage yards, parking of vehicles, orchards and vacant land.
- 11.3 Taking into account the nature and scale of the temporary car park, it is envisaged that the development would not result in significant adverse traffic, environmental and drainage impacts. Relevant government

departments, including C for T, DAFC, DEP, CE/MN of DSD and D of FS, have no adverse comment on the application. To minimize any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. In addition, the applicant will be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued by DEP.

- 11.4 Part of the Site is the subject of a previous application (No. A/YL-PH/852) approved in September 2020 for the same use, under which all approval conditions have been complied with. In the current application, there are changes in the site area, layout and development parameters which are, according to the applicant, to respond to the increase in demand for parking spaces and to provide safer parking environment for the drivers.
- 11.5 There are 4 similar applications within the “R(D)” zone in the vicinity of the Site in the past five years. All applications, except Application No. A/YL-PH/836, were approved by the Committee between 2017 and 2020 for reasons as stated in paragraph 5.1 above. As there are no major changes in the planning circumstances since the approval of the last application, approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Apart from the supportive public comment, two public comments objecting to the application were received during the statutory publication period as mentioned in paragraph 10 above. In this regard, 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 taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the temporary use under application 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 15.7.2025. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) only private cars 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;
- (b) 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;

- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars 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 existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 15.1.2023;
- (f) if any of the above planning condition (a), (b), (c) or (d) 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
- (g) if the above planning condition (e) 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 in **Appendix IV**.

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

the development is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. 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 supplementary information received on 24.5.2022
Appendix Ia	FI received on 5.7.2022 and 7.7.2022
Appendix II	Previous and 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	Land filling plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2022**