

RNTPC Paper No. A/YL-PH/928  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 23.9.2022

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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/928**

<b><u>Applicant</u></b>	: Chief Force Limited
<b><u>Site</u></b>	: 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, Shui Kan Shek, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	: About 1,318 m <sup>2</sup> (including Government land of about 110m <sup>2</sup> )
<b><u>Land Status</u></b>	: (i) Block Government Lease (demised for agricultural use) (about 92%) (ii) Government Land (about 8%)
<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 Car Park for Villagers (Excluding Container Vehicle) for a Period of 2 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary car park for villagers (excluding container vehicle) for a period of 2 years. The Site falls within an area zoned “V” on the Pat Heung 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 3 years requires planning permission from the Town Planning Board (the Board). The Site is formed, paved and currently used for the applied use with valid planning permission under Application No. A/YL-PH/853 (**Plans A-2 to A-4b**). All the approval conditions have been complied with and the planning permission is valid until 31.10.2022.

- 1.2 According to the applicant, a total of 15 parking spaces for private cars are provided within the Site. No structure is erected on-site and no vehicle exceeding 5.5 tonnes will enter the Site. The operation hours is 24 hours daily. The Site is accessible via a local track branching off from Fan Kam Road. The site layout plan submitted by the applicant is shown on **Drawing A-1**.
- 1.3 The Site is involved in six previous applications (No. A/YL-PH/642, 653, 703, 737, 792 and 853) for public vehicle park (private cars and light goods vehicles) / temporary car park for villagers (excluding container vehicles) (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with supplementary information (**Appendix I**) received on 8.8.2022
  - (b) Further information (FI) received on 22.8.2022 (**Appendix Ia**)
  - (c) FI received on 13.9.2022 (**Appendix Ib**)

## **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 FIs at **Appendices I to Ib**. 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.
- (b) The temporary car park is for serving the nearby residents in Shui Kan Shek (水澗石). Relevant regulations are implemented to minimize the possible nuisance generated by the temporary car park, such as posting a notice at the Site to prohibit honking and parking of vehicles exceeding 5.5 tonnes among others. Also, the lighting of the Site will be turned off after 11:30p.m. daily.
- (c) There is no change from the previous application (No. A/YL-PH/853) in terms of the applied use, site area and layout, and there were no adverse departmental comment or local objection during the last application. The landscaping, drainage facilities and fire service installations will be properly maintained.

## **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 at the Site and notifying the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the government land portion, the “Owner’s Consent / Notification” requirement are not applicable.

#### **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 attached at **Appendix II**.

#### **5. Background**

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

#### **6. Previous Applications**

- 6.1 The Site is the subject of six previous applications (No. A/YL-PH/642, 653, 703, 737, 792 and 853) for the same / similar applied use (including renewal of the planning approval granted by the Board). All the applications, except Application No. A/YL-PH/642, were approved with conditions by the Rural and New Town Planning Committee (the Committee) or on review by the Board between February 2014 and October 2020 mainly on the grounds that temporary approval of the applications would not jeopardise the long-term planning intention of the “V” zone; the developments were considered not incompatible with the surrounding land uses; relevant government departments consulted had no adverse comment on the applications or their technical concerns could be addressed through approval conditions; and the renewal applications complied with the relevant Town Planning Board Guidelines on renewal of planning approval for temporary use or development.
- 6.2 Application No. A/YL-PH/642 for public vehicle park (private cars and light goods vehicles) on a permanent basis was rejected by the Committee in July 2012 mainly on the grounds that the applicant failed to demonstrate that the development would not cause adverse environmental impacts on the surrounding areas.
- 6.3 Compared with the last Application No. A/YL-PH/853, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, site layout and major development parameters. The planning

permission is valid until 31.10.2022 and all the approval conditions are complied with.

- 6.4 Details of the previous applications are summarized in **Appendix III** and the locations are shown on **Plan A-1**.

## **7. Similar Application**

There is no similar application for temporary vehicle park use within the “V” zone in the vicinity of the Site in the past 5 years.

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

- 8.1 The Site is:

- (a) formed, paved and used for the applied use with valid planning permission; and
- (b) accessible to Fan Kam Road via a local track.

- 8.2 The surrounding areas have the following characteristics:

- (a) to its immediate east, north and west are village houses and a residential development namely the Arbutus (光薈);
- (b) to its further north are open storage yards and parking of vehicles;
- (c) to its further east is woodland. To its further west is a “Residential (Group D)” zone where a few open storage yards could be found; and
- (d) to its south and southwest are open storage/storage yards, residential dwellings / structures and vacant land.

## **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 the ground floor of a New Territories

Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

**10. 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 IV** and **V** respectively.

**11. Public Comment Received During Statutory Publication Period (Appendix VI)**

The application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received. The commenter objects to the application mainly on the grounds that the development would cause pollution and safety risk to the nearby villagers thus affecting their living quality.

**12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning permission for temporary car park for villagers (excluding container vehicle) for a period of 2 years within the “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. Although the applied use is not in line with the planning intention of the “V” zone, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. It is considered that temporary approval of the application would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses, which is predominantly rural in character intermixed by residential dwellings/structures, vacant / vegetated land and open storage / storage yards. According to the applicant, the applied use is mainly to serve the nearby residents in Shui Kan Shek.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that the current application is the same as the last application in terms of the applied use, site area / layout and major development parameters; the applicant has complied with all the approval conditions; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in planning circumstances since the granting of the previous approval. In this regard, favourable consideration could be given to the current renewal application.

- 12.4 Relevant departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. It is envisaged that the development would not cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. To minimize any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP.
- 12.5 The Site is the subject of six previous applications for car park use with the last five applications for the same applied use as the current application approved by the Committee or on review by the Board between 2014 and 2020 for reasons as stated in paragraph 6.1 above. Approval of the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the objecting public comment from an individual received during the statutory publication period, government departments' comments and planning considerations and assessments above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary use under application could be tolerated for a period of 2 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 2 years and be renewed from 1.11.2022 until 31.10.2024. 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) a vehicular access of 4.5m in width within the Site, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (e) the mitigation measures (including the dimming of lights after 11:30 p.m. within the Site and posting of notice and rules at prominent location of the Site forbidding honking and engine noise when parking at the Site) implemented under the previous planning approval to minimize any possible nuisance of noise and artificial lighting on the Site to the residents nearby, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (f) a notice should be posted at a prominent location of the Site to indicate the set of rules for using the development, as proposed by the applicant, at all times during the planning approval period;
- (g) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a 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 Town Planning Board by 1.2.2023;
- (j) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) 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
- (k) if the above planning condition (i) 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 the same as those under the planning permission of previous Application No. A/YL-PH/853 except deletion of a condition related to the queuing back to or reversing onto / from the Site based on the latest comments of C for T.]*

#### Advisory clauses

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

- 13.3 There is no strong reason to recommend rejection of 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 renewal of the planning application.
- 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 reasons for rejection should be given to the applicant.

**15. Attachments**

- Appendix I** Application form with supplementary information received on 8.8.2022
- Appendix Ia** FI received on 22.8.2022
- Appendix Ib** FI received on 13.9.2022
- Appendix II** Relevant extract of TPB PG-No. 34D
- Appendix III** Previous applications
- Appendix IV** Government departments' general comments
- Appendix V** Recommended advisory clauses
- Appendix VI** Public comment
- Drawing A-1** Site layout plan
- Plan A-1** Location plan with previous applications
- Plan A-2** Site plan
- Plan A-3** Aerial photo
- Plans A-4a & A-4b** Site photos