

RNTPC Paper No. A/YL-PH/938
For Consideration by
the Rural and New Town
Planning Committee
on 17.3.2023

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

APPLICATION NO. A/YL-PH/938

<u>Applicant</u>	: Chief Force Limited
<u>Site</u>	: Lots 1956 S.A RP (Part) and 1956 S.B RP (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	: About 518 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>	: “Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle 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 public vehicle park (excluding container vehicle) for a period of 3 years. The Site falls within an area zoned “V” on the Pat Heung OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is formed, partly paved and partly covered with weeds, and currently used for parking of vehicles (**Plans A-2 to A-4**). All the approval conditions of the last application No. A/YL-PH/832 have been complied with and the planning permission is valid until 24.4.2023.
- 1.2 According to the applicant, six parking spaces for private cars and three parking spaces for light goods vehicles 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 are from 7:00 a.m. to 10:00 p.m. daily, including public holidays. The Site is accessible via a local track branching off from Kam Tin Road. The site layout plan submitted by the applicant is shown on **Drawing A-1**.

- 1.3 The Site is involved in three previous applications (detailed in paragraph 6 below). The current application submitted by the same applicant of the last approved application No. A/YL-PH/832 is the same in terms of the applied use, site area / boundary and major development parameters except with minor changes to the car park layout in response to the comments of the Chief Engineer/Construction of Water Supplies Department (CE/C of WSD) on the renewal application (**Appendix Ib**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 19.1.2023 (**Appendix I**)
 - (b) Supplementary planning statement (**Appendix Ia**)
 - (c) Further information (FI) received on 24.2.2023 (**Appendix Ib**)
 - (d) FI received on 28.2.2023 (**Appendix Ic**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary planning statement and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The public vehicle park is for serving the nearby local residents which will otherwise cause blockage to the access roads and local traffic congestion.
- (b) The renewal application for public vehicle park does not contravene the planning intention. No adverse traffic impact is anticipated. If the renewal application is approved, the applicant undertakes to comply with all the approval conditions.
- (c) There is no change to the previous application (No. A/YL-PH/832) in terms of the applied use, site area and major development parameters except minor changes to the car park layout in response to the comments of WSD on the renewal application. There were no adverse departmental comment or local objection received during the last application. The 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.

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 active planning enforcement action.

6. Previous Applications

6.1 The Site is the subject of three previous applications (No. A/YL-PH/258, 778 and 832). Applications No. A/YL-PH/258 and 778 for temporary open storage of lorries/ construction material and equipment are not relevant to the current application which is for temporary public vehicle park. Application No. A/YL-PH/832 for temporary public vehicle park (excluding container vehicles) submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) in April 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 consulted in general had no adverse comments and / or their technical concerns could be addressed by appropriate approval conditions.

6.2 Compared with the last Application No. A/YL-PH/832, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary and major development parameters, except minor changes to the car park layout in response to the comments of WSD on the renewal application. All the approval conditions under the previous application have been complied with and the planning permission is valid until 24.4.2023.

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

7. Similar Applications

7.1 There are six similar applications (No. A/YL-PH/777, 800, 833, 856, 877 and 899), involving four sites, for various temporary vehicle park (excluding container vehicle) uses within the same "V" zone in the vicinity of the Site in

the past five years. All the applications were approved with conditions by the Committee between May 2018 and December 2021 for similar considerations as stated in paragraph 6.1 above.

- 7.2 Details of these applications are summarised in **Appendix III** and the 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) formed, partly paved and partly covered with weeds, and currently used for the applied use with valid planning permission under Application No. A/YL-PH/832; and
- (b) accessible to Kam Tin Road via a local track.

- 8.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas are generally rural in character intermixed with residential structures / dwellings, open storage yards, plant nursery, active farmland, parking of vehicles and vacant land (**Plan A-2**). Most of the open storage yards nearby are suspected unauthorised developments subject to enforcement action by the Planning Authority;
- (b) to its west, north and east are residential dwellings / structures, open storage yards. To its further north and northeast are residential dwellings / structures, a vacant chicken farm and a plant nursery;
- (c) to its south across the local track are vacant land deposited with ruins, residential structures/ dwellings, open storage yards and parking of vehicles; and
- (d) to its further south are parking of vehicles (with valid planning permission under Application No. A/YL-PH/877) and storage yard (with valid planning permission under Application No. A/YL-PH/886) in an area zoned “Open Storage” (“OS”).

9. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and re-provisioning 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

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

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years within the “V” zone. The planning intention of the “V” zone is to reflect existing recognised 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 entirely 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. Also, according to the applicant, the temporary public vehicle park is to serve the nearby local residents. It is considered that temporary approval of the application for a further period of three years 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, open storage yards, parking of vehicles, plant nursery, active farmland and vacant land.
- 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 approved application No. A/YL-PH/832 in terms of the applied use, site area / boundary and major development parameters except minor changes to the car park layout in response to the comments of the CE/C of WSD on the renewal application; 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.

- 12.4 Other relevant departments consulted including the Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services 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 minimise 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. Regarding the existing unauthorised building works and/ or uses within one of the lots (i.e. Lot 1956 S.B RP in D.D. 111) involved in the current application but outside the boundary of the Site as advised by DLO/YL of LandsD, the lot owner(s) should remedy the lease breaches as demanded by LandsD.
- 12.5 Given that the previous approval for the same temporary public vehicle park has been granted to the Site and six similar applications within the same "V" zone in the vicinity of the Site have been approved in the past five years, approval of the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, 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 25.4.2023 until 24.4.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 10:00 p.m. and 7:00 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) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times 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 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 25.7.2023;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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
- (i) 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 largely the same as those under the previous approved Application No. A/YL-PH/832, except deletion of / revision to the conditions related to the drainage, fire safety and traffic aspects based on the latest comments from CE/MN of DSD, D of FS and 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 received on 19.1.2023
Appendix Ia	Supplementary planning statement
Appendix Ib	FI received on 24.2.2023
Appendix Ic	FI received on 28.2.2023
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1	Location plan with previous and similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MARCH 2023**