

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

APPLICATION NO. A/YL-PH/940

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 1631 (Part) and 1633 (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 2,085m 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 is 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 “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-PH/833 (**Plans A-2 to A-4**).
- 1.2 According to the applicant, there are 20 private car parking spaces and 10 light goods vehicle parking spaces at the Site. No structure is proposed at the Site. The operation hours are 24 hours daily. No workshop-related activity will be carried out within the Site and no vehicle exceeding 5.5 tonnes will be parked at the Site. The Site is accessible from Kam Tin Road via a local access. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in two previous approved applications (No. A/YL-PH/746 and 833) for the same applied use (details at paragraph 6 below). When compared with the last approved application (No. A/YL-PH/833), the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, layout and major development parameters. All the approval conditions for

application No. A/YL-PH/833 have been complied with and the planning permission is valid until 12.5.2023.

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

- (a) Application form with supplementary information received (**Appendix I**) on 7.2.2023

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form and supplementary information at **Appendix I**. They can be summarised as follows:

- (a) There is no change in the applied use and layout of the development between this application and the last approved application No. A/YL-PH/833. Relevant government departments and nearby residents had no adverse comments or complaint on the previous application and all the approval conditions for the last application had been complied with.
- (b) The applied use is intended to provide car parking spaces to meet the needs of nearby residents, which will help reduce illegal parking in the area. It is compatible with the surroundings and will not adversely affect the villagers and nearby rural environment.
- (c) The development will not induce adverse traffic impact to the surrounding area. The applicant will provide/maintain the drainage and fire service installations facilities at the Site, and undertake to comply with the relevant approval conditions.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the 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 notifying 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 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 was involved in two previous applications (No. A/YL-PH/746 and 833) for the same proposed use and renewal of the planning approval under the current application for temporary public vehicle park. Both applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 12.5.2017 and 24.4.2020 respectively on the considerations that temporary approval would not frustrate the long-term planning intention of the “V” zone; the developments were considered not incompatible with the surrounding land uses; there was no adverse departmental comment on the applications and/or their technical concerns could be addressed by appropriate approval conditions; and the renewal application was generally in line with the then Town Planning Board Guidelines for renewal of planning approval for temporary use or development.
- 6.2 Compared with the last Application No. A/YL-PH/833, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, layout and major development parameters. The planning permission is valid until 12.5.2023 and all the approval conditions are complied with.
- 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, 832, 856, 877 and 899) (including renewal of the temporary planning approval granted by the Board), involving four sites, for various temporary vehicle parks within the same “V” zone in the vicinity of the Site. All applications were approved with conditions by the Committee between May 2018 and December 2021 on similar considerations as stated in paragraph 6.1 above.
- 7.2 Details of the similar 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-4b)**

- 8.1 The Site is:
 - (a) currently used for the applied use with valid planning permission under Application No. A/YL-PH/833; and
 - (b) accessible from Kam Tin Road via a local access.

8.2 The surrounding areas have the following characteristics:

- (a) to its west, north and east are mainly the village houses of Leung Uk Tsuen (梁屋村), vacant land and sites with construction works in progress for Small Houses. To its further north is a residential development named “Green Villa” (翠苑); and
- (b) to its south are vacant land and a site with construction works in progress for Small House. To its further south are residential structures/dwellings, vacant land and an open storage yard.

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 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 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 permission for temporary public vehicle park (excluding container vehicles) at the Site zoned “V”. 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. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it can help meet the public vehicle park needs of the nearby residents in the “V” zone. Besides, the District Land Officer/Yong Long of Lands Department advises that there is no Small House application approved or under processing at the Site. In this regard, it is considered that temporary approval of the application for a

period of 3 years would not jeopardise the long-term planning intention of the “V” zone.

- 12.2 The development is considered not incompatible with the surrounding land uses which are predominantly rural in character with village houses, vacant land and open storage yard (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department considers that no adverse landscape impact arising from the development is anticipated and has no objection to the application from the landscape planning perspective.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that previous approval for the same use was granted in 2020 and all approval conditions under the last approved application (No. A/YL-PH/833) have been complied with. Compared with the last application, the current application is the same in terms of the use, site area / boundary, layout and major development parameters. As there is no major change in the planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 12.4 Relevant departments consulted, including the Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS), have no adverse comment on the application and there is no local objection received against the renewal application as conveyed by the District Officer (Yuen Long) of Home Affairs Department. To minimise any potential environmental nuisances and address the technical requirements of concerned 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 There are six similar applications for various vehicle park use within the same “V” zone approved by the Committee in the past five years as detailed in paragraph 7 above. Approval of the application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the applied use 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 13.5.2023 until 12.5.2026. 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 time 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 submission of records 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 13.8.2023;
- (f) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (c), (d) 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
- (h) 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.

[The above approval conditions are the same as those under the planning permission of previous Application No. A/YL-PH/833, except change / deletion of the one on transport aspect 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 approval.
- 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 applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 7.2.2023
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 similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a & A-4b	Site photos

**PLANNING DEPARTMENT
MARCH 2023**