

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/947

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 1938 (Part), 1939 (Part), 1940 (Part) and 1941 (Part) in D.D. 111, Leung Uk Tsuen, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 979m 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 Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application Site (the Site) for proposed 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 fenced and vacant with an empty structure (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, there will be 8 private car parking spaces and 3 light goods vehicle parking spaces provided at the Site. A single-storey structure with building height of not more than 3m and floor area of about 40m² is proposed to be erected at the Site for office and staff resting room uses. The proposed operation hours will be from 6:00 a.m. to 9:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. No workshop-related activity will be carried out within the Site and no vehicle exceeding 5.5 tonnes will be parked on or enter / exit the Site. The Site is accessible from Leung Shing Road / 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 the subject of a previous application (No. A/YL-PH/775) for temporary open storage use (detailed in paragraph 5 below).

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

- (a) Application form with supplementary information received (**Appendix I**) on 27.3.2023 and 31.3.2023
- (b) Further Information (FI) received on 4.5.2023 and (**Appendix Ia**) 10.5.2023*
- (c) FI received on 16.5.2023* (**Appendix Ib**)
** exempted from publication and recounting requirements*

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 summarised as follows:

- (a) The temporary nature of the application will not frustrate the long-term planning intention of the “V” zone.
- (b) The proposed development is intended to provide car parking spaces to meet the needs of nearby residents. It is compatible with the surroundings and will not adversely affect the villagers and nearby rural environment.
- (c) The proposed 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 undertakes to comply with the relevant approval conditions.

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

The applicant is not the “current land owner” of the Site 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 sending registered mail to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

- 5.1 The Site is the subject of a previous application (No. A/YL-PH/775) submitted by the same applicant for open storage use which is not relevant to the current application. The application was rejected by the Rural and New Town Planning Committee (the Committee) on 20.4.2018.

- 5.2 Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are nine similar applications (including renewal of the temporary planning approval granted by the Board), involving five sites, for various temporary vehicle parks within or straddling the same “V” zone in the vicinity of the Site. All applications were approved with conditions by the Committee between May 2018 and March 2023 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 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

- 7.1 The Site is:

- (a) currently fenced and vacant with an empty structure; and
- (b) accessible via a local access leading from Leung Shing Road / Kam Tin Road.

- 7.2 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), a public vehicle park with valid planning permission under Application No. A/YL-PH/940, vacant land and grassland; and
- (b) to its southeast and south are residential dwellings / structures, open storage yards, vacant land and an office; and
- (c) to its further south is the area zoned “Agricultural” (“AGR”) with two sites approved for public vehicle park under Applications No. A/YL-PH/857 and 885.

8. 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 the ground floor of a New Territories Exempted Houses. Other commercial, community and recreational uses may be permitted on application to 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 Comment Received During Statutory Publication Period

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

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary public vehicle park (excluding container vehicles) at the Site zoned “V” (**Plan A-1**). 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 needs of public vehicle park of the nearby residents in the “V” zone. Besides, there is no Small House application approved or under processing within the Site as advised by the District Lands Officer/Yuen Long of Lands Department. In this regard, it is considered that temporary approval of the application for a period of 3 years would not frustrate the long-term planning intention of the “V” zone.

11.2 The proposed development is considered not incompatible with the surrounding land uses which are predominantly rural in character with village houses, residential dwellings / structures, public vehicle parks, open storage yards, vacant land and grasslands (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department considers that no significant landscape impact arising from the proposed development is anticipated and has no objection to the application from the landscape planning perspective

11.3 Relevant departments consulted, including the Commissioner for Transport, the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services have no adverse comment on the application and there is no local objection received against the application. To minimise any potential environmental nuisances and address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 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.

- 11.4 There are nine similar applications for various vehicle park use within the same "V" zone approved by the Committee in the past 5 years as detailed in paragraph 6 above. Approval of the application is in line with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the proposed temporary public vehicle park (excluding container vehicle) 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 19.5.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 6:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site 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) 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;
- (e) 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;
- (f) the submission of a revised 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 19.11.2023;
- (g) in relation to (f) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning

Board by 19.2.2024;

- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) 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 19.11.2023;
- (j) if any of the above planning condition (a), (b), (c), (d), (e) 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;
- (k) if the of the above planning condition (f), (g) or (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.

Advisory clauses

The recommended advisory clauses are 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 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. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 27.3.2023 and 31.3.2023
Appendix Ia	FI received on 4.5.2023 and 10.5.2023
Appendix Ib	FI received on 16.5.2023
Appendix II	Previous and similar application(s)
Appendix III	Government departments' general comments
Appendix IV	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
MAY 2023**