

RNTPC Paper No. A/YL-PH/955A
For Consideration by
the Rural and New Town
Planning Committee
on 8.9.2023

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-PH/955

<u>Applicant</u>	:	Sino Express Intelligence Co., Limited
<u>Site</u>	:	Lots 1689 S.A (Part), 1689 S.B, 1689 S.B ss.1, 1689 S.C, 1689 S.D, 1695 and 1696 (Part) in D.D. 111 and Adjoining Government Land, Leung Uk Tsuen, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 9,983m ² (including Government land (GL) of about 2,331m ² (23%))
<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>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Public Vehicle Park (Excluding Container Vehicle) and Temporary Shop and Services (Convenience Store) with Ancillary Facilities for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for public vehicle park (excluding container vehicle) and proposed temporary shop and services (convenience store) with ancillary facilities for a period of 3 years and filling of land at the application site (the Site), which falls within an area zoned “AGR” on the Pat Heung OZP. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). Filling of land within “AGR” zone also requires planning permission from the Board. The Site is vacant, mainly formed, partly covered by weeds, and partly filled with gravels with a short section of watercourse within the northern part of the Site (**Plans A-2, A-4a to A-4c**).
- 1.2 According to the applicant, 128 parking spaces for private cars and 8 parking spaces for medium/heavy goods vehicles will be provided. All parking spaces will be equipped with electric vehicle (EV) charging facilities with 15 direct current (DC) chargers and 40 alternating current (AC) chargers to suit different types of EVs. The proposed development also involves erection of four 1-storey structures with building heights ranging from 5m to 7m at the Site for shop and services (convenience store) and ancillary facilities including office, staff resting room,

automatic battery swapping station and electricity substation. The major portion of the Site (about 86%) will be paved with asphalt by not more than 0.25m in depth (from about +15.8mPD to +16.05mPD) for site formation, parking of vehicles and circulation. No vehicles exceeding 26 tonnes or container tractors/trailers will be allowed to the Site. The proposed operation hours will be from 6:00 a.m. to 11:00 p.m. from Mondays to Sundays, including public holidays. The Site is accessible from Kam Tin Road via Leung Shing Road. The site layout plan and paving plan submitted by the applicant are at **Drawings A-1** and **A-2**.

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

- (a) Application form with supplementary information received (**Appendix I**)
on 24.5.2023 and 30.5.2023
 - (b) Further Information (FI) received on 29.6.2023* (**Appendix Ia**)
 - (c) FI received on 18.7.2023[#] (**Appendix Ib**)
 - (d) FI received on 28.7.2023 and 2.8.2023* (**Appendix Ic**)
 - (e) FI received on 31.8.2023* (**Appendix Id**)
- [#] *accepted but not exempted from publication and recounting requirements*
^{*} *accepted and exempted from publication and recounting requirements*

1.4 On 14.7.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

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 Id**. They can be summarised as follows:

- (a) The proposed development is intended to serve nearby residents and workers in surrounding Pat Heung and Kam Tin areas.
- (b) The proposed public vehicle park, which intends to provide car parking with charging facilities for EVs, is generally in-line with the government policy on promotion of EVs as well as the goal of achieving carbon neutrality. EVs for commercial use including taxis are allowed to enter the Site. It can meet the increasing demand for car parking with charging facilities for EVs.
- (c) The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The proposed development is not incompatible with the surrounding land uses.
- (d) The parking spaces for medium/heavy goods vehicles and the site access are located on the southern part of the Site in a distance from the residential dwellings to the north. It is anticipated that there would be no more than 16 trips of medium/heavy goods vehicles to/from the Site daily. Acoustic barriers will be erected along the site boundary to minimise nuisance to the surrounding area. The existing watercourse within the Site will not be affected and will not be paved. There would

not be adverse traffic, environmental, sewage, drainage and landscape impacts nor increased fire safety risk in the area.

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

The applicant is not the “current land owner” of the private land portion 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 a 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. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

4. Background

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

5. Previous Applications

5.1 The Site is involved in four previous applications (No. A/YL-PH/645, 678, 687 and 919). Applications No. A/YL-PH/645, 678 and 687 were for various temporary open storage uses. Application No. A/YL-PH/919 for temporary transitional housing development with ancillary eating place, shop and services and community centre was approved with conditions by the Rural and New Town Planning Committee (the Committee) in August 2022. The proposed transitional housing development has not been implemented and the planning permission under application No. A/YL-PH/919 was revoked due to non-compliance with approval conditions. All the previous applications mentioned above are not relevant to the current application which is for temporary shop and services (convenience store) and public vehicle park.

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

6. Similar Applications

6.1 There are four similar applications (No. A/YL-PH/758, 791, 799 and 857), involving three sites, for temporary public vehicle park or temporary shop and services within the same “AGR” zone in the vicinity of the Site in the past 5 years.

6.2 Applications No. A/YL-PH/758, 791 and 799, involving two sites covering similar locations and site areas, for temporary public vehicle park or temporary shop and services, were rejected by the Committee or the Board on review between March 2018 and January 2019 mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; and/or the applicant

failed to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

- 6.3 Application No. A/YL-PH/857 for temporary public vehicle park with ancillary site office was approved with conditions by the Committee in July 2021 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the applied use was considered not incompatible with the surrounding land uses; and the relevant departments consulted had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions.
- 6.4 Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) vacant, mainly formed, partly covered by weeds, and partly filled with gravels with a short section of watercourse within the northern part of the Site; and
- (b) accessible from Kam Tin Road via Leung Shing Road on the southwest.

7.2 The surrounding areas have the following characteristics:

- (a) to the east are some graves. To the further east within the “Village Type Development” (“V”) zone are the village settlement of Leung Uk Tsuen (梁屋村), cultivated agricultural land and grassland;
- (b) to the south and southwest are a culvert and Leung Shing Road, across which is the Shek Kong Stabling Sidings of the Guangzhou-Shenzhen-Hong Kong Express Rail Link;
- (c) to the west is vacant land (with valid planning permission under application No. A/YL-PH/873 for proposed temporary open storage of construction machinery); and
- (d) to the north and northwest are warehouse, open storage/storage yards, residential structures/dwellings (the nearest one about 5m from the Site) and a watercourse.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureaux/Departments

- 9.1 Apart from the government bureaux/departments as set out in paragraphs 9.2 to 9.4 below, other 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.

- 9.2 The following bureau and government department support the application:

Policy Aspect

- 9.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) supports the applicant's proposal since the proposed development is in line with the Government's policies and directions in promoting the wider use of EVs in Hong Kong; and
- (b) according to the Chief Executive's 2022 Policy Address, the Government aims to announce a roadmap for the promotion of electric public transport and commercial vehicles by 2025 and introduce about 3,000 electric taxis by end-2027. A comprehensive quick charging network is needed to effectively support the operations of electric commercial vehicles (e.g. electric light goods vehicles) and public transport (e.g. electric taxis) and achieve the aforesaid target. In this connection, we suggest the applicant consider installing quick chargers (e.g. with output power of 100kW or higher) at the proposed site and open up a certain number of charging spaces for electric commercial vehicles for use, e.g. electric taxis and electric light goods vehicles, to act in concert with our aforesaid policy directions.

Transport

- 9.2.2 Comments of the Commissioner for Transport (C for T):

supportive to the planning application from traffic engineering perspective to address the local demand for car parking spaces.

- 9.3 The following government departments do not support the application:

Agriculture and Nature Conservation

- 9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries; and
- (c) no comment on the application from nature conservation perspective. Should the application be approved, the applicant is reminded to avoid polluting or disturbing the watercourse nearby during construction and operation.

Environment

9.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application as the proposed development would generate traffic of heavy vehicles and there are residential dwellings in the vicinity of the Site (**Plan A-2**), environmental nuisance to the nearby residential uses could be generated;
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the revised ‘Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance from the proposed use;
- (c) there was no environmental complaint received against the Site in the past three years;
- (d) no adverse comment on proposed filling of land; and
- (e) no comment regarding the EV charging facilities on Site.

9.4 The following government bureau has comments on the application:

Project Interface

9.4.1 Comments of the Secretary for Housing (S for H):

it is noted that the planning permission for transitional housing project under application No. A/YL-PH/919 was revoked. In this regard, corresponding to the new initiatives of Light Public Housing, Funding Scheme for Transitional Housing would no longer accept funding application for the construction of new Transitional Housing on vacant land, except for those projects which are mature, with funding applications submitted within the year 2022 and works to be commenced within nine months upon funding approval. As the relevant non-governmental organisation (NGO) could not

resolve all the issues in supporting the funding application before the due date in December 2022, the Task Force under Housing Bureau would no longer proceed the Transitional Housing project originally approved under planning application No. A/YL-PH/919 at the Site.

10. Public Comments Received During Statutory Publication Periods (Appendix V)

The application was published for public inspection. During the statutory public inspection periods, three public comments from Kadoorie Farm & Botanic Garden Corporation and an individual were received. The commenters object to the application on the grounds that the proposed development is a brownfield use; the site area is disproportionate to the proposed uses; it would cause adverse drainage impact; and there is a similar rejected application in the vicinity.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for proposed public vehicle park (excluding container vehicle) and temporary shop and services (convenience store) with ancillary facilities for a period of 3 years and filling of land at the Site which falls within an area zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. While the proposed development is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the Site is conveniently located and the surrounding areas of the Site have been largely developed including the Express Rail Link stabling sidings across Leung Shing Road. The proposed public vehicle park and shop and services are intended to serve residents and workers in the surrounding areas and EVs for commercial use (including taxis) are also allowed. SEE supports the proposed development for public vehicle park equipped with electric charging facilities for EVs as it is in line with the Government’s policy and directions in promoting the wider use of EVs. C for T also supports the application from traffic engineering perspective to address the local demand for car parking spaces. Taking into account the planning assessments below, the proposed development on a temporary basis of 3 years could be tolerated.
- 11.2 Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and DEP have no adverse comment on the proposed filling of land from drainage and environmental perspectives. An approval condition on reinstatement of the Site upon expiry of the planning permission is recommended should the Committee decide to approve the application.
- 11.3 The proposed development is considered not incompatible with the surrounding land uses intermixed with residential structures/dwellings, open storage/storage yards, railway stabling sidings, agricultural land and vacant land. The Chief Town

Planner/Urban Design and Landscape of the Planning Department considers that significant adverse impact on the landscape character and landscape resources arising from the proposed development is not anticipated and has no objection to the application from landscape planning perspective.

- 11.4 DEP does not support the application in considering that environmental nuisance could be generated by the proposed development. In this regard, the applicant proposes to erect acoustic barriers to minimise possible nuisance. The parking spaces for medium/heavy goods vehicles as well as the vehicular access through Leung Shing Road are also proposed near the southern part of the Site in a distance from the residential dwellings to the north. According to the applicant, vehicles exceeding 26 tonnes will not be allowed to the Site. To address DEP's concern, approval condition restricting types of vehicles is recommended in paragraph 12.2 below. The applicant will also be advised to follow the 'Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites' issued by EPD.
- 11.5 Other relevant departments consulted, including CE/MN of DSD and the Director of Fire Services, have no objection or adverse comments on the application. To address the technical requirements of concerned government departments, relevant approval conditions are also recommended in paragraph 12.2 below.
- 11.6 The Site is involved in a previous application (No. A/YL-PH/919) for temporary transitional housing development which is not implemented and the planning permission is revoked as stated in paragraph 5. As advised by S for H, the transitional housing project at the Site would no longer be proceeded.
- 11.7 There are three rejected similar applications and one approved similar application in the vicinity in the past 5 years as stated in paragraph 6. The planning circumstances of the current application are different from the rejected similar applications in that policy support is given to the current application from SEE; and the environmental concern can be addressed as mentioned in paragraph 11.4 above. In this regard, approving the current application is in line with the Committee's previous decision on the approved similar application.
- 11.8 For the public comments objecting to the application as stated in paragraph 10, the departmental comments and planning assessments as stated above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments as mentioned in paragraph 10 above, the Planning Department considers that the proposed development 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 8.9.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicles exceeding 26 tonnes, including container tractors/trailers, are allowed to be parked/stored on or enter/exit the site at any time, as proposed by the applicant, during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) the submission of a drainage impact assessment 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 8.3.2024;
- (d) in relation to (c) above, the implementation of the drainage proposal identified in the drainage impact assessment identified therein 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 8.6.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 8.3.2024;
- (g) if any of the above planning conditions (a), (b) or (e) 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;
- (h) if any of the above planning conditions (c), (d) or (f) 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; and
- (i) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other

agricultural purposes. 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 24.5.2023 and 30.5.2023
Appendix Ia	FI received on 29.6.2023
Appendix Ib	FI received on 18.7.2023
Appendix Ic	FI received on 28.7.2023 and 2.8.2023
Appendix Id	FI received on 31.8.2023
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	Paving plan
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo

Plans A-4a to A-4c Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**