

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/970

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lot 2749 (Part) in D.D. 111, Wang Toi Shan Shan Tsuen, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 1,151m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Pat Heung Outline Zoning Plan 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 Shop and Services (Sales of Motor-vehicle and Showroom) for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services (sales of motor-vehicle and showroom) for a period of 3 years and filling of land. The Site falls within an area zoned “V” on the Pat Heung OZP. (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within the “V” zone also requires planning permission from the Board. The Site is currently paved and vacant. (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the open area will accommodate 10 vehicles for display and one ancillary parking space for light goods vehicle would be provided. The proposed operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The applicant also applies for regularisation of filling of land by 0.05m in depth with asphalt (from +31.06mPD to +31.11mPD; and from +31.11mPD to +31.16mPD) for the whole Site. The Site is accessible from Kam Tin Road via local tracks. The site layout plan and paving plan submitted by the applicant is at **Drawings A-1 and A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with attachments received on 24.8.2023 (**Appendix I**)

- (b) Further Information (FI) received on 9.10.2023* **(Appendix Ia)**
**accepted and 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 and FI in **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The proposed use is temporary in nature which will not jeopardise the long-term planning intention of the “V” zone.
- (b) The proposed shop and services (sales of motor-vehicle and showroom) is intended to serve the needs of the people from surrounding areas. The proposed use is for the display and sales of motor vehicles. Customers will be able to view the displayed motor-vehicles at the Site and the sales could take place on Site or on the Internet.
- (c) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out within the Site. The existing drainage facilities on the Site will be maintained to the satisfaction of the concerned department. The proposed use would not result in adverse traffic and drainage impacts to the surrounding areas nor increase the fire safety risk in the area.
- (d) The display area would not involve vehicles exceeding 5.5 tones and such vehicles would not be allowed at the Site.

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” Requirement under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting 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.

4. **Background**

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

5. **Previous Application**

The Site is involved in one previous application No. A/YL-PH/912 for temporary private car park (excluding container vehicle) which is not relevant to the current application for temporary shop and services (motor-vehicle showroom). 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 14 similar applications, involving ten sites, for various temporary shop and services uses within “V” zone in the vicinity of the Site in the past 5 years. All applications were approved with conditions by the Committee between September 2018 and August 2023, mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention; the applied use was not incompatible with the surrounding land uses; and relevant departments consulted had no objection to or no adverse comment on the application and their technical concerns could be addressed by appropriate approval conditions. The planning permissions under applications No. A/YL-PH/816 and 867 were revoked in March 2022 and January 2022 respectively due to non-compliance with approval conditions.
- 6.2 Details of the similar 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-4)

- 7.1 The Site is:
- (a) currently paved and vacant ; and
 - (b) accessible from Kam Tin Road via local tracks.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north, south and west are residential structures/dwellings, parking of vehicles, open storage/storage yards and vacant land; and
 - (b) to the east in the “V” zone and further east in the adjacent “Agriculture” zone are open storage/storage yards and vacant land.

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

9. Comments from Relevant Government Departments

The 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 Comments Received During Statutory Publication Period (Appendix V)

During the statutory publication period, one public comment was received from an individual raising concerns that the proposed use is not in line with the planning intention of the “V” zone.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services (sales of motor-vehicle and showroom) for a period of 3 years and filling of land 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. 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board. Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, it is intended to serve the needs of the people from surrounding areas. The District Lands Officer/Yuen Long of the 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 frustrate the long-term planning intention of the “V” zone. Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no objection to the filling of land from drainage and environmental perspectives.

11.2 The proposed use is considered not incompatible with the surrounding areas which is rural in character intermixed with residential structures/dwellings, parking of vehicles, open storage yards and vacant land. The Chief Town Planner/Urban design and Landscape of the Planning Department considers that significant landscape impact arising from the proposed development is not anticipated.

11.3 Relevant departments consulted including the Commissioner for Transport, DEP and CE/MN of DSD and the Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection

Department to minimise the possible environmental nuisance generated by the proposed use.

- 11.4 There are 14 approved similar applications in the vicinity of the Site in the past 5 years as detailed in paragraph 6.1. Approving the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comment raising concern on the application as stated in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 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 13.10.2026. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 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 vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of condition records of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.1.2024;
- (g) the implementation of the accepted fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.7.2024;

- (h) if any of the above planning condition (a), (b), (c), (d) 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; and
- (i) if any of the above planning condition (f) or (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.

Advisory clauses

The recommended advisory clauses are attached in **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 attachments received on 24.8.2023
Appendix Ia	FI received on 9.10.2023
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
Plan A-4	Site photos

**PLANNING DEPARTMENT
OCTOBER 2023**