

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/976

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 2897 (Part) and 2898 (Part) in D.D.111, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 850m 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>Zonings</u>	:	“Agriculture” (“AGR”) (91% of the application site (the Site)); and “Residential (Group D)” (“R(D)”) (9% of the Site) [Maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
<u>Application</u>	:	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years and filling of land at the the Site, which falls within an area partly zoned “AGR” and partly zoned “R(D)” on the Pat Heung OZP. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use in the “R(D)” zone which requires planning permission from the Town Planning Board (the Board), and neither a Column 1 nor Column 2 use in the “AGR” zone. 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 Board. Filling of land within both “AGR” and “R(D)” zones also requires planning permission from the Board. The Site is currently vacant and formed (**Plans A-2 and A-4**).
- 1.2 According to the applicant, 8 parking spaces for private cars and 3 parking spaces for light goods vehicles will be provided. The proposed development also involves erection of one 2-storey structure with floor area of about 50m² and a building height of about 6m at the Site for ancillary office. The entire Site is proposed to be paved with asphalt by about 0.15m in depth (from the existing level of about +36.00mPD to +36.15mPD) for site formation, parking of vehicles and circulation. The proposed development will operate 24 hours daily including Sundays and public holidays. No vehicles exceeding 5.5 tonnes will be stored/parked on or

enter/exit the Site. The Site is accessible from Kam Tin Road via local tracks. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with supplementary information received (**Appendix I**) on 18.10.2023
- (b) Further Information (FI) received on 30.11.2023* (**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, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The proposed development is intended to serve hikers and visitors in the surrounding areas. The proposed structure at the Site is for vehicle park users registration office on the lower floor, and administrative site office and record management purposes on the upper floor.
- (b) The temporary nature of the application will not frustrate the long-term planning intentions of the “AGR” and “R(D)” zones.
- (c) With regard to unauthorised building works (UBWs) under lease, the applicant will apply for a Short Term Waiver (STW) for erection of structure at the Site.

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. 31B) 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 A minor portion of Site is involved in one previous application No. A/YL-PH/539 for temporary open storage, which is not relevant to the current application for temporary public vehicle park use.

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

6. Similar Application

There is no similar application within the same “AGR” and “R(D)” zones in the past 5 years.

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

7.1 The Site is:

- (a) currently vacant and formed; and
- (b) accessible from Kam Tin Road via local tracks.

7.2 The surrounding areas are rural in character mainly intermixed with open storage/storage yards, vehicle repair workshop, parking of vehicles, vacant lands and graves.

8. Planning Intentions

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

8.2 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraph 9.2 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 government departments do not support or have adverse comments on the application:

Agriculture and Nature Conservation

9.2.1 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” and “R(D)” zones and is vacant. Agricultural infrastructures such as road access and water source are 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.

Land Administration

9.2.2 Comments of the District Lands Officer/Yuen Long, the Lands Department (DLO/YL of LandsD):

- (a) LandsD has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government; and
- (c) LandsD has grave concerns given that there are UBWs and/or uses on the Lot 2897 in D.D. 111 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD.

10. Public Comment Received During Statutory Publication Period

During the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds that there is no previous approved application at the Site; the proposed development is related to “destroy to build” activities; and the Site is in proximity to an area zoned “Conservation Area” and filling of land is not justified.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years and filling of land at the Site partly zoned “AGR” and partly zoned “R(D)” (**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; and the planning intention of the “R(D)” zone is primarily

for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. While the proposed development is not in line with the planning intentions of the “AGR” and “R(D)” zones and DAFC does not support the application from agricultural perspective, the proposed development is intended to serve hikers and visitors in the surrounding areas. Besides, there is no known programme for long-term development at the Site. 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” and “R(D)” zones 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 adverse comment on the proposed filling of land from drainage and environmental perspectives. An approval condition requiring the reinstatement of the “AGR” portion of the Site to an amenity area is recommended should the Rural and New Town Planning Committee (the Committee) decide to approve the application.
- 11.3 The proposed development is considered not incompatible with the surrounding land uses intermixed with open storage/storage yards, vehicle repair workshop, parking of vehicles and vacant lands. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse impact on landscape resources arising from the proposed development is not anticipated and has no objection to the application from landscape planning perspective.
- 11.4 DLO/YL of LandsD has adverse comments on the application in view of the existing UBWs at one of the subject lots. In this regard, the applicant states that STW for erection of structure at the Site will be applied for. Relevant advisory clause on need for application to LandsD for regularisation for UBWs is also recommended. Other relevant government departments, including the Commissioner for Transport, CE/MN of DSD, DEP and the Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any potential environmental nuisances.
- 11.5 For the objecting public comment received as stated in paragraph 10 above, 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 and having taken into account the public comment 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 8.12.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicles exceeding 5.5 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 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 8.6.2024;
- (d) in relation to (c) above, the implementation of the 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 8.9.2024;
- (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 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 8.9.2024;
- (g) if any of the above planning condition (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 condition (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 portion zoned "Agriculture" in 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. Land within the "AGR" zone 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 18.10.2023
Appendix Ia	FI received on 30.11.2023
Appendix II	Previous application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
DECEMBER 2023**