

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

**APPLICATION NO. A/YL-PH/982**

<b><u>Applicant</u></b>	:	Get Billion Development Limited represented by Chief Force Limited
<b><u>Site</u></b>	:	Lots 80 S.A (Part), 80 S.B (Part), 80 S.C and 80 RP (Part) in D.D. 111, Shui Kan Shek, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	:	About 980m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	:	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land at the application site (the Site), which falls within an area zoned “V” on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within 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 paved and used for parking of vehicles without valid planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the applied use involves 14 private car parking spaces and one light goods vehicle parking space. It also involves a single-storey structure with a total floor area of about 30m<sup>2</sup> and a building height of not more than 3m for security room and staff resting room. The applicant also applies for regularisation of filling of land for the entire Site with a depth of about 0.1m (from +29.9mPD to +30mPD) for site formation for parking of vehicles and vehicular circulation (**Drawing A-2**). The proposed operating hours will be 24 hours daily including public holidays. The Site is accessible from Fan Kam Road via a local access (**Plans A-1 to A-3**). The 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 documents:

- (a) Application form with supplementary information received (Appendix I)  
on 4.12.2023
- (b) Further Information (FI) received on 29.12.2023\* (Appendix Ia)
- (c) FI received on 19.1.2024\* (Appendix Ib)
- (d) FI received on 25.3.2024\* (Appendix Ic)

*\* accepted and exempted from publication and recounting requirements*

1.4 On 26.1.2024, the Rural and New Town Planning Committee (the Committee) of the Board 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 Ic**. They can be summarised as follows:

- (a) The applied use is temporary in nature and will not jeopardise the long-term planning intention of the “V” zone. It is intended to provide car parking spaces to meet the needs of the nearby villagers.
- (b) Medium or heavy goods vehicle exceeding 5.5 tonnes will not be allowed to access to the Site. No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will out carried out at the Site. The applied use will not induce adverse traffic, environmental and drainage impacts on the surrounding area. The watercourse to the northwest of the Site will not be affected by the applied use. The applicant will provide and maintain the drainage and fire service installations facilities at the Site and comply with the relevant approval conditions if the application is approved.
- (c) The applicant will apply to the Lands Department (LandsD) for Short Term Waiver (STW) for the proposed structure after planning approval.

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

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Member's inspection.

## 4. **Background**

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

## 5. **Previous Application**

There is no previous application covering the Site.

## 6. **Similar Applications**

- 6.1 There are seven similar applications (No. A/YL-PH/794, 820, 853, 871, 872, 928 and 931), involving five sites, for various temporary vehicle park uses (including four renewals of temporary planning permissions) within the same and other “V” zones on the OZP in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between August 2019 and November 2022, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of “V” zone; the proposed use was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/794 was subsequently revoked in 2020 due to non-compliance with the approval conditions.
- 6.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.
- 6.3 Other than the similar applications stated in paragraph 6.1 above, applications No. A/YL-PH/983 and 1003 for temporary public vehicle park and temporary private vehicle park respectively within “V” zone on the Pat Heung OZP will be considered by the Committee at the same meeting.

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

- 7.1 The Site is:
- (a) paved and used for parking of vehicles without valid planning permission; and
  - (b) accessible from Fan Kam Road via a local access.
- 7.2 The surrounding areas are rural in character intermixed with residential dwellings/structures, open storage yards (including sites with valid planning permissions under applications No. A/YL-PH/883 and 965 within “Residential (Group D)” (“R(D)”) zone), works sites (including one with valid planning permission for proposed houses under planning application No. A/YL-PH/829 within “R(D)” zone), parking of vehicles (with valid planning permission under application No. A/YL-PH/928) and plant nurseries. A watercourse is to the northwest in about 10m from the Site.

## **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**

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 department has adverse comments on the application:

### **Land Administration**

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

- (a) LandsD has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lots No. 80 S.A, 80 S.B, 80S.C, and 80 RP all in D.D.111 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;
- (c) there are unauthorised structures and uses on Lots No. 80 S.B and 80 S.C both in D.D. 111. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserved the rights to take necessary lease enforcement action against the breaches without further notice;
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for STW to permit the structure(s) erected within the said private lots. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (e) there is no Small House application approved or under processing at Lot Nos. 80 S.A, 80 S.B, 80 S.C and 80 RP all in D.D.111.

9.3 The following government department supports the application:

**Transport**

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

- (a) supports the application from traffic engineering perspective to address the local demand for parking spaces; and
- (b) detailed advisory comments are at **Appendix IV**.

**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 seeks planning permission for temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land 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 the “V” zone is primarily intended for development of Small Houses by indigenous villagers, and other commercial, community and recreational uses may be permitted on application to the Board. The applied use is not entirely in line with the planning intention of the “V” zone. Nevertheless, there is no Small House application approved or under processing within the Site as advised by DLO/YL, LandsD. According to the applicant, the applied use is intended to meet the needs of the nearby villagers. C for T supports the application from traffic engineering perspective to address the local demand for parking spaces. It is considered that temporary approval of the application for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 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 and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives.
- 11.3 The applied use is considered not incompatible with the surrounding land uses intermixed with residential dwellings/structures, open storage yards, parking of vehicles and plant nurseries. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact arising from the applied use is anticipated.

- 11.4 DLO/YL, LandsD has adverse comment on the application in view of the unauthorised structures and uses on the subject lots. In this regard, the applicant undertakes to apply for STW for the proposed structure. Relevant advisory clause on need for application to LandsD for regularisation of unauthorised structure/use is also recommended.
- 11.5 Other relevant departments consulted including the Director of Fire Services have no objection to or no adverse comment on the application. To 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 revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance generated by the applied use.
- 11.6 There are seven approved similar applications in the vicinity of the Site as mentioned in paragraph 6.1. Approving the current application is in line with the Committee’s previous decisions.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11, 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 three years until 24.5.2027. 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 tractor/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) no vehicles without valid licenses 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;
- (c) the implementation of the accepted 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 24.2.2025;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) 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 24.2.2025;

- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) if any of the above planning condition (c) or (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.

#### 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 applied use with filling of land 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. There is no strong planning justification 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**

<b>Appendix I</b>	Application form with supplementary information received on 4.12.2023
<b>Appendix Ia</b>	FI received on 29.12.2023
<b>Appendix Ib</b>	FI received on 19.1.2024
<b>Appendix Ic</b>	FI received on 25.3.2024

<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan
<b>Drawing A-2</b>	Paving plan
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2024**