

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/983

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lot 1685 (Part) in D.D.111, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 1,570m 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 Three 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 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 vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves ten private car parking spaces and eight light goods vehicle parking spaces. The applicant also applies for regularisation of filling of land for 1,495m² (95%) of the Site with a depth of about 0.05m (from +15.25mPD to +15.3mPD) 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 Kam Tin Road via Leung Shing Road and 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 The Site is the subject of a previous application (No. A/YL-PH/856) submitted by the same applicant for the same use as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in November 2020 (details under paragraph 5 below). All the approval

conditions under that previous application had been complied with and the planning permission lapsed on 7.11.2023.

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

- (a) Application form with supplementary information received (**Appendix I**) on 6.12.2023
- (b) Further Information (FI) received on 19.1.2024* (**Appendix Ia**)
- (c) FI received on 25.3.2024* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

1.5 On 26.1.2024, 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 Ib**. They can be summarised as follows:

- (a) The proposed 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 be carried out at the Site. The proposed use will not induce adverse traffic, environmental and drainage impacts on the surrounding area. The applicant will maintain the drainage and fire service installations facilities at the Site and comply with the relevant approval conditions.

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

The applicant is not a “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” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notices to the Pat Heung Rural Committee. 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**

- 5.1 The Site is involved in one previous application (No. A/YL-PH/856) submitted by the same applicant for the same use as the current application which was approved with conditions by the Committee in November 2020, 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 the relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. All the approval conditions had been complied with and the planning permission lapsed on 7.11.2023.
- 5.2 Compared with the last approved application (No. A/YL-PH/856), the current application is the same in terms of site area/boundary and total number of parking spaces, with minor adjustment to the type of parking spaces (changing five of the private car parking spaces under the previous application to light goods vehicle parking spaces in the current application).
- 5.3 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 eight similar applications (No. A/YL-PH/800, 832, 833, 877, 899, 938, 940 and 947), involving five sites, for various temporary vehicle park uses (including five renewals of temporary planning permissions) within/straddling the same “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between January 2019 and May 2023, on the similar considerations as mentioned in paragraph 5.1 above.
- 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/982 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 vacant; and
 - (b) accessible to Kam Tin Road via Leung Shing Road and a local access.
- 7.2 The surrounding areas are rural in character intermixed with residential dwellings/structures, parking of vehicles, warehouse (with valid planning

permission under application No. A/YL-PH/952), open storage yards, farmland and vacant land. The parking of vehicles and open storage yards are without valid planning permission. The Shek Kong Stabling Sidings and Emergency Rescue Siding of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) is located to the further southwest across Leung Shing Road.

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 department as set out in paragraph 9.2, 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 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 proposed 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 the District Lands Officer/Yuen Long of the Lands Department. According to the applicant, the proposed 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 proposed use is considered not incompatible with the surrounding land uses intermixed with residential dwellings/structures, parking of vehicles, warehouse, open storage yards and the XRL sidings. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact arising from the proposed use is anticipated.
- 11.4 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 proposed use.
- 11.5 There are one approved previous application and eight approved similar applications for temporary vehicle parks as mentioned in paragraphs 5.1 and 6.1. Comparing with the approved previous application (No. A/YL-PH/856), the current application is the same in terms of site area/boundary and the total number of parking spaces. 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 existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (e) if any of the above planning condition (a), (b), (c) 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.

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 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

Appendix I	Application form with supplementary information received on 6.12.2023
Appendix Ia	FI received on 19.1.2024
Appendix Ib	FI received on 25.3.2024
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	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
MAY 2024**