

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/989

- Applicant** : Chief Force Limited
- Site** : Lot 1863 RP (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long
- Site Area** : About 243m² (including GL of about 213m² (88%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Open Storage” (“OS”) (78%)
“Village Type Development” (“V”) (22%)
[Maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Covered Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary covered vehicle park (private cars and light goods vehicles) for a period of three years. The Site falls within an area partly zoned “OS” and partly zoned “V” on the Pat Heung OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under the previous application No. A/YL-PH/877. All the approval conditions under the previous application have been complied with and the planning permission is valid until 4.5.2024.
- 1.2 According to the applicant, the applied use involves five parking spaces for private car, one parking space for light goods vehicle and one shelter structure with height of about 4m covering about 135m² (56%) of the Site. The operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible to Kam Tin Road via local tracks. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in two previous applications (details in paragraph 6 below). Compared with the last approved application No. A/YL-PH/877, the current application is the same in terms of applied use, site area/boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following document:
- (a) application form with supplementary information received (**Appendix I**) on 6.2.2024
 - (b) Further Information (FI) received on 10.4.2024* (**Appendix Ia**)
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 5.4.2024, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for one month 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 FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The applied use provides private parking spaces for the workers in the nearby villages Leung Uk Tsuen and Wan Toi Shan San Tsuen to avoid on-street parking. The users of the applied vehicle park would need to register ahead with the applicant/operator before using. No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will be carried out at the Site. The applied use would not induce adverse traffic impact on the surrounding areas.
- (b) There had been no adverse comments from government departments nor public complaints during the approval period under the previous application No. A/YL-PH/877, and the applicant has complied with all the planning approval conditions.
- (c) The applicant would follow-up with the required Short Term Waiver (STW) and Short Term Tenancy (STT) applications to the Lands Department (LandsD) based on the scheme under planning application.

3. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34D) are relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

4. 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. For the GL portion, the “Owner’s Consent/Notification” Requirements are not applicable.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in two previous applications (No. A/YL-PH/777 and 877) covering the same site for the same applied use as the current application (including a renewal of temporary approval) and approved with conditions by the Rural and New Town Planning Committee (the Committee) in May 2018 and April 2021 respectively mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the proposed use was considered not incompatible with the surrounding land uses; and the relevant departments consulted generally had no adverse comment or their technical concerns could be addressed by relevant approval conditions.
- 6.2 Compared with the last approved application (No. A/YL-PH/877), the current application is the same in terms of site area/boundary, layout and major development parameters. All the approval conditions were complied with and the planning permission is valid until 4.5.2024.
- 6.3 Details of the previous applications are summarised in **Appendix III** and the location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are eight similar applications (No. A/YL-PH/800, 832, 833, 856, 899, 938, 940 and 947), involving five sites, for temporary public/private vehicle park (including four renewals of temporary approvals) within the same “V” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Committee between January 2019 and May 2023, on the similar considerations as mentioned in paragraph 6.1 above.
- 7.2 There is no similar application within the same “OS” zone in the vicinity in the past five years.
- 7.3 Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently paved, partly erected with a temporary structure, and used for parking of vehicles with valid planning permission under the previous application No. A/YL-PH/877; and
- (b) accessible to Kam Tin Road via local tracks.

8.2 The surrounding areas are rural in character intermixed with residential dwellings/structures, gardening, warehouse, open storage/storage yards (including sites with valid planning permissions under applications No. A/YL-PH/885 and 941), parking of vehicles (under valid planning permission under application No. A/YL-PH/938) and site office (under valid planning permission under application No. A/YL-PH/886).

9. Planning Intentions

- 9.1 The planning intention of the “OS” zone is intended primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.
- 9.2 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.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2, 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 IV and V** respectively.

10.2 The following government department has grave concern on the application:

Land Administration

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

- (a) he has grave concern on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lot No. 1863 RP 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) no permission is given for occupation of GL (about 213m² as mentioned in the application form) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap.28;
- (d) LandsD has reservation on the planning application since there are unauthorised structures and uses on the private lot which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (e) there are unauthorised structure(s) within the said private lot not covered by the subject planning application. The lot owner(s) should immediately rectify/apply for regularisation the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (f) the GL adjoining the said private lot has been unlawful occupied with unauthorised structure(s) without permission. The GL being unlawful occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (g) the lot owner(s)/applicant shall either remove the unauthorised structure(s) and cease the unlawful occupation of the GL not covered by the subject planning application immediately; or include the unauthorised structure(s) and the adjoining GL being unlawful occupied in the planning application for further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a STW and/or STT to permit the structure(s) erected and the occupation of the GL. The applications for STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD. In

addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL; and

- (h) there is no Small House application approved or under processing at the Site.

11. 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.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary covered vehicle park (private cars and light goods vehicles) for a period of three years at the Site zoned “OS” (about 78%) and “V” (about 22%) (**Plan A-1**). The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. The applied vehicle park for private use is similar in nature with ‘public vehicle park (excluding container vehicle)’ use which is always permitted within the “OS” zone. The applied use is considered not in conflict with the planning intention of the “OS” zone.
- 12.2 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, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. The applied use is considered not in conflict with the planning intention of the “V” zone. According to DLO/YL, LandsD, there is no Small House application approved or under processing at the Site. It is considered that temporary approval of the application for a further period of three years would not frustrate the long-term planning intention of the “V” zone.
- 12.3 The applied use is considered not incompatible with the surrounding land uses which are rural in character with residential dwellings/structures, warehouse, open storage yards and gardening. 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.
- 12.4 DLO/YL, LandsD has grave concern on the application in view of unauthorised structure(s) within the concerned lot and the adjoining GL. In this regard, the applicant states that he would follow-up with the STW and STT applications with LandsD. An advisory clause on rectifying or regularising the unauthorised structure(s) with LandsD under the land administration regime is recommended.
- 12.5 Other relevant government departments consulted including the Commissioner for Transport, the Chief Engineer/Mainland North of Drainage Services

Department and 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 13.2 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.

- 12.6 The application is generally in line with TPB PG-No. 34D in that all the approval conditions under the previous application No. A/YL-PH/877 have been complied with; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in the planning circumstances since the granting of the previous approval.
- 12.7 There are eight approved similar applications for temporary vehicle park as mentioned in paragraph 7.1. Approving the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the applied use could be tolerated for a further period of three years.
- 13.2 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 and be renewed from 5.5.2024 to 4.5.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/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.

[The above approval conditions are the same as those under the last approved planning application No. A/YL-PH/877, except deletion/revision to the conditions on operation, traffic and drainage aspects based on the latest comments from relevant departments.]

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

13.3 There is no strong reason to reject the renewal application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form with supplementary information received on 6.2.2024
Appendix Ia	FI received on 10.4.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix VI	Government departments' general comments
Appendix V	Recommended advisory clauses
Drawing A-1	Layout 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
APRIL 2024