

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/YL-PH/996 and 997

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|----------------------------|---|---|-------------------------------|
| <u>Applicant</u> | : | Chief Force Limited | |
| <u>Sites</u> | : | Lots 1031, 1046 S.B RP, 1052 (Part) and 1053 (Part) in D.D. 111 | (Application No. A/YL-PH/996) |
| | | Lots 1043 (Part), 1046 S.A ss.1 RP (Part), 1046 S.A ss.1 S.A and HTL House Lot Blocks (Part) in D.D. 111 and adjoining Government Land (GL) | (Application No. A/YL-PH/997) |
| | | Ha Che, Pat Heung, Yuen Long, New Territories | |
| <u>Site Areas</u> | : | About 2,340m ² | (Application No. A/YL-PH/996) |
| | | About 980 m ² (including GL of about 217m ²) (22%) | (Application No. A/YL-PH/997) |
| <u>Leases</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”) | |
| <u>Applications</u> | : | Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Filling of Land | |

1. The Proposals

- 1.1 The applicant seeks planning permissions to use the application sites (the Sites), which adjoin to each other, for temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land. The Sites fall within an area zoned “V” on the Pat Heung OZP (**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. Currently, the Site of application No. A/YL-PH/996 is vacant and paved,

while the Site of application No. A/YL-PH/997 is paved, fenced-off and used as vehicle park without valid planning permission (**Plans A-4a** and **A-4b**).

1.2 Major development parameters of the two applications are summarised as follows:

| | A/YL-PH/996 | A/YL-PH/997 |
|-------------------------------------|--|---|
| Site Area (m ²) (about) | 2,340 | 980 |
| No. of Structure | - | 1 [@] |
| No. of Storey/Building Height | - | 1 Storey (2.5m) |
| Total Floor Area (m ²) | - | 16 |
| Operation Hours | 24 hours daily including Sundays and public holidays | |
| No. of Private Car Parking Spaces | 53 | 21 |
| Applied Land Filling | regularisation of filling of land for the whole Site with asphalt by 0.1m to level of 22.8 mPD | regularisation of filling of land for the whole Site with concrete by 0.1m to level of 23.1 mPD |

[@] for guardroom use.

1.3 According to the applicant, no workshop, recycling, cleansing, dismantling and other workshop activities will be carried out at the Sites. No vehicle exceeding 5.5 tonnes, including container vehicles, will be allowed to the Sites. The Sites are accessible from Fan Kam Road via local tracks. The site layout plans submitted by the applicant are at **Drawings A-1** and **A-2**.

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

- (a) Application form (No. A/YL-PH/996) with supplementary (**Appendix Ia**) information received on 21.2.2024
- (b) Application form (No. A/YL-PH/997) with supplementary (**Appendix Ib**) information received on 22.2.2024
- (c) Further Information (FI) for application No. A/YL-PH/996 (**Appendix Ic**) received on 8.4.2024*
- (d) FI for application No. A/YL-PH/996 received on 11.4.2024* (**Appendix Id**)
- (e) FI for application No. A/YL-PH/997 received on 8.4.2024* (**Appendix Ie**)
- (f) FI for application No. A/YL-PH/997 received on 11.4.2024* (**Appendix If**)

* accepted and exempted from publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications are detailed in the application forms, supplementary information and FIs at **Appendices Ia** to **If**. They can be summarised as follows:

- (a) The applied use is intended to serve the residents and villagers in the surrounding areas. Although the two applications are submitted by the same applicant and the

Sites adjoin each other, the two Sites would be served by separate accesses (**Plan A-2**).

- (b) The temporary nature of the applications will not frustrate the long-term planning intention of the “V” zone.
- (c) The Sites have been filled for many years and the regularisation of filling of land under the current applications are for site formation and maneuvering of vehicles. The applied use will not induce adverse traffic, fire safety and drainage impacts on the surrounding areas.
- (d) In response to the public comments regarding the existing parking facilities in the area, the applicant considers that the existing parking provision is to serve the residents of the G/F premises of village houses, and the applied use could meet the parking demand of the residents of the upper floors and the needs of the growing population in Ha Che. The applicant has also obtained the support of villagers of Ha Che for the applied vehicle park at the Site of application No. A/-YL-PH/997 (**Appendix If**). There will be no provision for electric-vehicle charging. The Site of application No. A/YL-PH/996 is currently vacant without any tree.

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

The applicant is not the “current land owner” of the respective lots 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 notices and sending registered mails to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the GL portion of the Site of application No. A/YL-PH/997, the “Owner’s Consent/Notification” Requirements are not applicable.

4. Background

- 4.1 Majority of the Site of application No. A/YL-PH/996 is subject to planning enforcement action against unauthorised development (UD) involving filling of land. Enforcement Notice (EN) and Reinstatement Notice (RN) under No. E/YL-PH/915 were issued on 17.1.2024 and 1.2.2024 respectively. The RN will expire on 1.5.2024.
- 4.2 The Site of application No. A/YL-PH/997 is subject to planning enforcement action against UD involving use for place for parking of vehicles. EN under No. E/YL-PH/917 was issued on 17.1.2024 requiring discontinuation of the UD.

5. Previous Application

There is no previous application covering the Sites after they were zoned to “V” on the OZP.

6. Similar Applications

- 6.1 There are five similar applications (No. A/YL-PH/794, 820, 871, 872 and 931), involving four sites, for temporary vehicle park use (all without filling of land and including two renewals of temporary planning approvals) within the same “V” zone in the vicinity of the Sites in the past five years. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between August 2019 and November 2022 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding areas; relevant government departments in general had no objection or their technical concerns could be addressed by appropriate approval conditions. The planning permission under application No. A/YL-PH/794 was revoked 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 Sites and Its Surrounding Areas (Plans A-1 to A-4b)

- 7.1 The Sites are:
- (a) currently paved, the Site of application No. A/YL-PH/996 vacant; and with the Site of application No. A/YL-PH/997 fenced-off and used as vehicle park without valid planning permission; and
 - (b) accessible from Fan Kam Road via local tracks.
- 7.2 The surrounding areas are rural in character mainly intermixed with open storage/storage yards, parking of vehicles, grassland, and residential dwellings/structures and village settlements of Ha Che within the same “V” zone. A low-rise residential development, namely El Castillo, is located to the southeast of the Sites.

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 House. 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 below, other departments consulted have no objection to or no adverse comment on the applications. Their general comments on the applications and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

9.2 The following government department supports the applications:

Transport

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

- (a) supportive to the planning applications from traffic engineering perspective to address the local demand; and
- (b) detailed advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

The applications were published for public inspection. During the statutory publication periods, two public comments from individuals were received on each of the applications (**Appendices Va** and **Vb**). The commenters object to the applications mainly on the grounds that there are sufficient parking spaces in the area and the need for large car parks are unjustified; storage of vehicles and car repair workshop uses in the nearby areas would be intensified; there would be adverse drainage, noise, traffic and pedestrian safety impacts; stack parking should be considered for more efficient use of land; and there is no information on existing trees at the Site of application No. A/YL-PH/996 nor electric-vehicle charging provision.

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permissions for temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land at the Sites 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 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. According to the applicant, the temporary public vehicle parks are to serve the residents and villagers nearby. The applied use is considered not in conflict with the planning intention of the “V” zone and according to the District Lands Officer/Yuen Long of the Lands Department, there is no Small House application approved and under processing at the Sites. C for T supports the applications from traffic engineering perspective to address the local demand. It is considered that approval of the applications on

a temporary basis 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 (DEP) have no objection to or no adverse comment on the applications from drainage and environmental perspectives.
- 11.3 The applied use is considered not incompatible with the surrounding land uses intermixed with open storage/storage yards, parking of vehicles, grassland, and residential dwellings/structures. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact is anticipated and has no objection to the applications from landscape planning perspective.
- 11.4 Other relevant government departments, including the Chief Highway Engineer/New Territories West of the Highways Department and the Director of Fire Services have no objection to or no adverse comments on the applications. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the applications 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 DEP to minimise any potential environmental nuisances.
- 11.5 There are five approved similar applications as mentioned in paragraph 6.1 above. Approving the current applications is in line with the Committee’s previous decisions.
- 11.6 For the objecting public comments received 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 comments mentioned in paragraph 10 above, the Planning Department has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of three years until 19.4.2027. The following conditions of approval and advisory clauses on each of the applications 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 19.10.2024;
- (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 19.1.2025;
- (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 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 19.1.2025;
- (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; and
- (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.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:

the applied use with land filling is not in line with the planning intention of the "V" zone, which is primarily 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 to justify the departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to

the permissions, and the period of which the permissions should be valid on a temporary basis.

- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

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|----------------------------|---|
| Appendix Ia | Application form (No. A/YL-PH/996) with supplementary information received on 21.2.2024 |
| Appendix Ib | Application form (No. A/YL-PH/997) with supplementary information received on 22.2.2024 |
| Appendix Ic | FI for application No. A/YL-PH/996 received on 8.4.2024 |
| Appendix Id | FI for application No. A/YL-PH/996 received on 11.4.2024 |
| Appendix Ie | FI for application No. A/YL-PH/997 received on 8.4.2024 |
| Appendix If | FI for application No. A/YL-PH/997 received on 11.4.2024 |
| Appendix II | Previous and similar applications |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix Va | Public comments for application No. A/YL-PH/996 |
| Appendix Vb | Public comments for application No. A/YL-PH/997 |
| Drawing A-1 | Site layout plan for application No. A/YL-PH/996 |
| Drawing A-2 | Site layout plan for application No. A/YL-PH/997 |
| Plan A-1 | Location plan with similar applications |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plans A-4a & 4b | Site photos |

**PLANNING DEPARTMENT
APRIL 2024**