

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

APPLICATION NO. A/FLN/23

<u>Applicant</u>	The Hong Kong Society for Rehabilitation
<u>Site</u>	Government Land in D.D. 51, Tin Ping Shan, Sheung Shui, New Territories
<u>Site Area</u>	About 745 m ²
<u>Land Status</u>	Government Land
<u>Plan</u>	Approved Fanling North Outline Zoning Plan (OZP) No. S/FLN/2
<u>Zonings</u>	“Open Space” (“O”) About 402 m ² (54%) Area shown as ‘Road’ About 343 m ² (46%)
<u>Application</u>	Renewal of Planning Approval for Temporary Vehicle Park for Rehabuses for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary vehicle park for Rehabuses for a period of 3 years at the application site (the Site) within an area partly zoned as “O” (about 54%) and partly shown as ‘Road’ (about 46%) on the approved Fanling North OZP No. S/FLN/2 (**Plan A-1**). According to the Notes of the OZP, notwithstanding that vehicle park use is neither a Column 1 nor a Column 2 use within “O” zone, temporary use or development of any land or building not exceeding a period of 3 years may be allowed with the permission from the Town Planning Board (the Board). In addition, permission from the Board is required for the applied use within any area shown as ‘Road’.
- 1.2 The Site is currently used for the applied use under Application No. A/FLN/14 approved by the Rural and New Town Planning Committee (the Committee) with conditions on 27.10.2017. The planning permission is valid until 31.10.2020 and all approval conditions have been complied with.
- 1.3 According to the applicant’s submission, a total of seven vehicle parking spaces are provided at the Site (**Drawing A-1**). Of which, six are designed for the parking of Rehabuses of 7.7m long and 2.1m wide, and the remaining one is for

Rehabus of 10m length and 2.1m wide. Under the routine operation, the Rehabuses leave the Site in the morning and return in the evening. The Site is accessible from Lung Sum Avenue via an unnamed existing local track (**Plan A-1**). The operation hours is from 6:00 am to 11:00 pm. No structures are erected within the Site. The site layout, number of parking spaces and operational details are the same as the previously approved scheme.

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

- (a) Application Form with attachments received on 23.7.2020 (**Appendix I**)
- (b) Further Information (FI) received on 10.9.2020 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**, and are briefly summarized as follows:

- (a) Rehabus, subvented by the Labour and Welfare Bureau, is a service provided by the applicant dedicated to providing accessible transport service to people with mobility difficulties. The service has been expanding in recent years to cope with the increasing demand for accessible transport, and the Site is intended to enhance the service's operation efficiency in serving people in need.
- (b) To address the potential environmental impacts generated, various measures are adopted, including (i) no operation between 11:00 pm to 6:00 am of the Site; (ii) provision of "No honking" signs on the Site at all times; and (iii) no vehicle repairing, washing, fueling and dismantling activities would be carried out on the Site.
- (c) The vehicular access of about 4.5m is enough for two-way traffic and all Rehabuses will not enter/exit the Site at the same time. The Rehabuses can manoeuvre within the Site without reversing onto the public road. As such, no adverse traffic impacts will be generated.

3. Compliance with the "Owner's Consent/Notification" Requirements

The Site involves Government land only. The owner's consent/notification requirements as set out in the Town Planning Board (TPB) Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) is not applicable.

4. Background

The Site falls within the boundary of Remaining Works Phase of the Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA) development. The land resumption and clearance as well as site formation and infrastructural works for the

Remaining Works Phase will commence in 2024 the earliest. Part of the Site falling within “O” zone will be developed into a continuous riverside promenade along the Ng Tung River, while the remaining ‘Road’ portion will form part of planned Road L4 to serve the NDA development.

5. **Town Planning Board Guidelines**

Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPG PG-No. 34C) are relevant to the application. The major assessment criteria are as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

6. **Previous Applications**

6.1 The Site is the subject of two previous applications submitted by the same applicant covering the same Site for the same use (i.e. temporary vehicle park for Rehabuses) for the same period (i.e. 3 years). Details of the two previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6.2 The two applications (No. A/FLN/1 and 14) were approved by the Committee in 2014 and 2017 respectively mainly on the grounds that a temporary approval of 3 years would not jeopardize the long-term planning intention of the “O” zone; the applied use is not incompatible with the surrounding uses; the latter application was generally in line with the then Town Planning Board Guidelines No. 34B in that no adverse planning implications will arise from the renewal application; and concerned departments had no adverse comments/objections to the application while the concerns of Environmental Protection Department (EPD) could be addressed by approval conditions. The applicant has complied with all the approval conditions for the last application No. A/FLN/14. The planning permission is valid until 30.10.2020.

7. Similar Application

There is no similar planning application for temporary vehicle park within the same “O” zone on the OZP.

8. The Sites and Their Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plan A-4)

8.1 The Site is:

- (a) being used for the applied use with valid planning permission under Application No. A/FLN/14;
- (b) paved and fenced off; and
- (c) accessible via an unnamed local track branching from Lung Sum Avenue.

8.2 The surrounding areas are predominantly rural in character mixed with active/fallow farmland, domestic structures/dwellings, storage/open storage and parking of vehicles (some of which are suspected unauthorized developments (UDs) subject to planning enforcement actions).

- (a) to its northeast and east is Ng Tung River;
- (b) to its northwest is active/fallow farmland intermixed with parking of vehicles, vehicle repair workshop and storage uses;
- (c) to its south is open storage sites of construction materials occupied by the Civil Engineering and Development Department (CEDD) (Plan A-2) and some domestic structures/ dwellings; and
- (d) to its west across the local track is Woodland Crest.

9. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has no comment on the application from land administration viewpoint; and
- (b) the Site is currently held under Short Term Tenancy (STT) No. 1416 directly granted to the applicant for the purpose of parking of a maximum number of seven private light buses which are owned and operated by the applicant. The STT commenced on 19.1.2010 and is currently running on a quarterly basis.

Traffic

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

- (a) he considers that the application can be tolerated from traffic engineering perspective, based on the traffic-related information submitted by the applicant (**Appendix I**) such as their arrangement to park in the Site after work only, and their swept path demonstrating that vehicles can manoeuvre within the Site without reversing on the local track; and
- (b) the proposed vehicular access to the Site is via an unnamed local track connecting Lung Sum Avenue. The unnamed local track leading to the Site is not managed by his department. The land status of the unnamed road should be checked with the lands authority. The management and maintenance responsibilities of the access should also be clarified with the relevant lands and maintenance authorities accordingly.

10.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he has no comment on the application; and
- (b) the roads around the Site are not managed by HyD.

Future Development

10.1.4 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

he has no comment on the application from KTN/FLN NDA project interface point of view.

Environment

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application since the applied vehicle park is intended for bus use involving traffic generation of heavy vehicles¹, and there are sensitive receivers in the vicinity (the nearest domestic dwellings/structures about 70m southeast from the Site as shown on **Plan A-2**) and environmental nuisance is expected;
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his department to minimise any potential environmental nuisances; and
- (c) there is no substantiated environmental complaint received by the DEP in the past three years.

Nature Conservation

10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

as the Site is already used for the applied use, he has no adverse comment on the application from nature conservation perspective. Nevertheless, since the Site is adjacent to Ng Tung River, the applicant should be reminded to implement good site practice to avoid polluting the river nearby.

Landscape

10.1.7 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) he has no objection to the application from the landscape planning perspective;
- (b) the application is the subject of the latest previous planning application No. A/FLN/14 for the same use, to which he has no objection from the landscape planning perspective. The current application seeks for a renewal of planning permission for the same use at the Site for a period of 3 years; and

¹ According to the Environmental Protection Department (EPD)’s “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, heavy vehicles include goods vehicles exceeding 5.5 tonnes (i.e. including medium goods vehicles and heavy goods vehicles) and buses.

- (c) based on aerial photo of 2019, the Site is situated in an area of rural inland plains landscape character surrounded by temporary structures and clusters of trees. The Site is hard paved and in operation as vehicle park, and no significant sensitive landscape resource is observed within the Site; hence, significant adverse impact on existing landscape resources arising from the development is not anticipated. Furthermore, the proposed continuous use within the Site is considered not entirely incompatible with the landscape character surrounding the Site.

Drainage

10.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition requiring the submission and implementation of a drainage proposal for the development should be included in the planning approval, in order to ensure that the applied development would not cause adverse drainage impact to the adjacent areas; and
- (c) the Site is within an area where no public sewerage connection is available.

Water Supply

10.1.9 Comments of the Chief Engineer/New Territories East, Water Supplies Department (CE/NTE, WSD):

he has no objection to the application. His detailed comments are at **Appendix IV**.

Building Matters

10.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

he has no objection to the application, noting that there is no proposed building works at the Site.

Fire Safety

10.1.11 Comments of the Director of Fire Services (D of FS):

he has no objection in-principle to the proposal subject to the existing fire service installations (FSIs) implemented on the Site being maintained in efficient working order at all times.

District Officer's Comments

10.1.12 Comments of the District Officer/North, Home Affairs Department (DO/N, HAD):

- (a) he has consulted the locals from 13.8.2020 to 31.8.2020;
- (b) the North District Council (NDC) members of Tin Ping East and Tin Ping West Constituencies, the Chairman of Sheung Shui District Rural Committee, the representative of 天平山村街坊組 and the representative of 路德會石湖社區發展計劃 had no comment; and
- (c) the NDC member of Fung Tsui Constituency, the representative of 天平山居民協會, the Owners' Corporation (OC) Chairman of Woodland Crest (奕翠園) and the OC Chairman of On Kwok Villa (安國新邨) has not replied.

10.2 The following Government departments have no objection to/adverse comment on the application.

- (a) Chief Estate Surveyor/New Development Area, LandsD (CES/NDA, LandsD); and
- (b) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

On 7.8.2020, the application was published for public inspection. During the three-week statutory publication period, two comments from individuals (**Appendix III**) were received. One comment indicates no comment, and another one suggests that a permanent site should be provided for the vehicle park for rehabuses.

12. Planning Considerations and Assessments

12.1 The application is for renewal of a planning approval for temporary vehicle park for Rehabuses for a period of 3 years. The Site falls within "O" zone and an area shown as 'Road' on the Fanling North OZP. Although temporary vehicle park for Rehabuses is not entirely in line with the planning intention of the "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public, the Site falls within the boundary of Remaining Works Phase of the KTN/FLN NDA development, with scheduled land resumption and site formation works commencing in 2024 the earliest. PM/N of CEDD and CES/NDA of LandsD have no adverse comment on the application. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention and implementation programme of the "O" zone and the planned road.

- 12.2 The surrounding land uses comprise active/fallow farmland, domestic structures/dwellings, storage/open storage and parking of vehicles (**Plan A-2**). In view of the small scale of the vehicle park (with only seven parking spaces) and its operation arrangement, it would unlikely cause significant adverse traffic, drainage and landscape impacts on the surrounding areas. Relevant departments including C for T, CE/MN of DSD, DAFC and CTP/UD&L of PlanD have no adverse comment on or no objection to the application. DEP's concerns on the environmental impact/nuisance due to traffic generation of heavy vehicles onto the sensitive receivers in the vicinity (the nearest domestic dwellings/structures about 70m away) can be addressed by approval conditions restricting the operation hours and type of vehicles entering the Site, display of 'no honking' signs and no workshop uses are recommended in paragraph 13.2 (a) to (d) below. Besides, the applicant would be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP. In addition, there is no substantiated environmental complaint received by DEP regarding the Site in the past three years.
- 12.3 The application generally complies with the TPG PG-No. 34C in that there are no adverse planning implications arising from the renewal of the planning approval as the temporary planning approval would not pre-empt the long-term development of the area. The last planning approval (Application No. A/FLN/14) for same applied use was granted in 2017 and all approval conditions have been complied with. The current application is the same as the previous application (No. A/FLN/14) in terms of the site layout, number of parking spaces and operational details. As there is no change in planning circumstances since the last approval and the applicant has complied with all approval conditions under the last approval, sympathetic consideration could be given for the current renewal application.
- 12.4 Regarding the local views conveyed by DO/N of HAD in paragraph 10.1.12 and public comments in paragraph 11, the departmental comments and planning considerations and assessments as stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 11 and having taken into account the local views conveyed by DO/N of HAD in paragraph 9.1.12 and the public comments in paragraph 10, the Planning Department has no objection to the application for renewal of planning approval for temporary vehicle park for Rehabuses for a further period of 3 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 3 years and be renewed from 1.11.2020 to 31.10.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference.

Approval conditions

- (a) no vehicle other than private light buses/private buses are allowed to be

- parked on the Site at any time during the planning approval period;
- (b) no operation between 11:00 pm to 6:00 am, as proposed by the applicant, is allowed on the Site during the planning approval period;
 - (c) 'No honking' signs would be provided on the Site at all times during the planning approval period;
 - (d) no vehicle repairing, car washing, fueling and dismantling activities should be carried out on the Site at any time during planning approval period;
 - (e) the submission of drainage proposal within 6 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **1.5.2021**;
 - (f) in relation to (e) above, the implementation of drainage proposal with 9 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **1.8.2021**;
 - (g) in relation to (f) above, the implemented drainage facilities on the Sites shall be maintained at all times during the planning approval period;
 - (h) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
 - (i) if any of the above planning condition (a), (b), (c), (d), (g) or (h) 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
 - (j) if any of the above planning condition (e) 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.

[Except for the deletion of landscape condition to maintain the existing trees on-site, the addition of drainage proposal conditions and the simplified FSIs condition, the above planning conditions are basically the same as those under the planning permission of the previous application No. A/FLN/14.]

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

The applicant fails to demonstrate that the applied use would generate adverse environmental impact on the surrounding areas as there are residential dwellings in its close proximity.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning 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 attachments received on 23.7.2020
Appendix Ia	FI received on 10.9.2020
Appendix II	Previous Applications
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**