

TOCO PLANNING CONSULTANTS LTD.

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The Secretary,
Town Planning Board
15/F, North Point Government Offices
333 Java Road,
North Point, Hong Kong
(Attn.: Ms. Corey NG)

Your Ref.: TPB/A/NE-KLH/633

Dear Sir/ Madam,

22 November 2023

**S.16 Planning Application for Proposed Temporary Public Vehicle Park
(Private Car Only) and Electric Vehicle Charging Station for a Period of 3 Years,
Lot 645 RP (Part) in D.D. 9, Yuen Leng, Tai Po**

We refer to the comments from Agriculture, Fisheries and Conservation Department (AFCD) sent to us via District Planning Office/ Sha Tin, Tai Po & North District (DPO/STN)'s emails on 27.9.2023.

Further to the phone conversation between our Mr. Ted Chan and Mr. Season Sit of AFCD, we understand that the comment is a general point of view on applications where non-agricultural uses are being applied in "Agriculture" ("AGR") zone. It was agreed that the Applicant should provide further detailed justifications for relevant government departments/ Town Planning Board (TPB) to consider the application. Thus, the Applicant herein provides the following reasons and are detailed below:-

- ***Justification 1: Appropriate Consideration should be Given to Serve the Public Interest Instead of Guarding the Planning Intention***

The planning intention for each zoning in the Outline Zoning Plan (OZP) explains generally the Board's intention. In the case of "AGR", this zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good arable land with good potential for rehabilitation for cultivation and other agricultural purposes. However, as presented in the Notes of the OZP, there are non-agricultural uses listed under Column 1 which are uses that are always permitted, as well as under Column 2 which may be permitted with or without conditions on application to the TPB. Therefore, the decision to allow or disagree the proposed uses should be based on individual merits of each case rather solely whether it is in line with the planning intention or not. This could be also reflected in many temporary uses applied in "AGR" zone in Kau Lung Hang approved by the TPB.

As detailed in **Section 4.2** of the Planning Statement (PS), the land use distribution plan shows the constraints of the existing land use character of Yuen Leng Village, and the difficulty to find a suitable area for providing an additional village car park or Electric Vehicles (EV) Charging Stations inside the village. This shows there is a genuine need for such facility to improve the villager's livelihood.

- ***Justification 2: The Planning History and Current Status of the Site Shows the Planning Intention of the "AGR" Zoning for the Site is not Active***

For many years and up until now, there has been no agricultural program at the application site. As detailed in **Section 4.1** of the PS, although the application site is currently zoned "AGR" on the approved Kau Lung Hang OZP, it has a unique site character that the site has long been hard paved with no vegetation for more than 30 years. The aerial photo dated 5.3.2004 has clearly shown that the application site was clear with no vegetation before 2005 and is similar to the present site configuration (see **Attachment 1**).

As detailed in **Section 4.4** of the PS, the application site is currently the best available option for the proposed use due to the location, size, shape and condition and has proper access. This presents an opportunity to better utilise the site for more desirable alternative uses that are compatible with the surrounding area and for the welfare of the community. Nevertheless, the approval of this temporary car park would not frustrate the long term planning intention of the "AGR" zone.

Justification 3: The Action of Removing the Existing Hard Paved Would Not Be Environmentally Friendly and Costly

The application site is a private lot, the Applicant or the landowner has no intention for agricultural use in the near future. The cost of removing the existing hard paved not only be non-environmentally friendly and costly, the soil beneath would not be healthy enough for agricultural use. Therefore, instead of leaving the land vacant, the proposed use presents an opportunity to better utilise the site for more desirable alternative uses that are compatible with the surrounding area.

In addition, as detailed in **Section 4.3** of the PS, it is understood that the Government has been actively reviewing suitable places to install EV chargers, and also encourage developers and property management companies to install EV chargers at any appropriate places. Thus, the proposed temporary uses under this application is in line with the policy initiatives by the Government to promote the use of EVs.

Justification 4: The Possibility of Accessing Water from Existing Sources to the Application Site is Very Low

It is noted that the closest existing stream course is located about 20m to the west of the Site. However, it is noted that the stream course is within "Other Specified Uses (Kowloon - Canton Railway)" zone and it is separated from the application site with fencing, cycling track and the Tai Wo Service Road East (see **Attachment 2**). With such separation, it would be difficult to access the water source to the application site. In addition, it is noted another stream course is located approximately 115m to the northeast of the Site and it runs through the village (see

Attachment 2). Again, it would be difficult to access the water source to the application site as it would have to pass through existing houses and private lots. Therefore, the possibility of accessing existing water source for agricultural activities at the application site would be very low.

- ***Justification 5: Government's Relaxation to Allow Suitable Ecologically Non-sensitive Areas that are Vacant, Unused Land Covered by Weeds or Agricultural Land for Brownfield Operations***

Since several Policy Addresses, the Government have been utilising abandoned agricultural land for temporary use purposes to address the general public's need. For example, some developers lending idle agricultural land to the Government for building transitional housing. In recent years, referencing the TPB Paper No. 10890 and TPB Planning Guideline (PG) No. 13G, with the implementation of the New Development Areas (NDAs), many existing brownfield operations have been/ will be displaced as a result due to large quantity of land are being resumed. To help displaced operators relocate their businesses, the Government have stepped up assistance and have reviewed TPB PG No. 13F with the twin objectives of (i) reviewing the criteria with a view to making available more land under Category 2 where temporary planning permission may be granted for Open Storage/ Port Back-up (OS/PBU) uses; and (ii) allowing more flexibility in putting land pending eventual development within NDAs to temporary OS/PBU uses. One of the adjustments of classification criteria for Category 2 areas to allow sites for OS/PBU uses is "*ecologically non-sensitive areas that are vacant formed land, unused land covered by weed/ vegetation or fallow agricultural land, with a few intermixing with scattered/ small scale farmland;*".

The above shows the Government allows suitable vacant agricultural land to be temporarily used for brownfield operations subject to resolution of departments' concerns on technical requirements, allowing more flexibility in putting land pending eventual development to temporary uses. Similarly, the current application site has been vacant and concrete paved for a long period of time, it could be put in good use to allow for the proposed uses until eventual agricultural development has been confirmed.

- ***Justification 6: Inconsistency in the Assessment from Agricultural Point of View***

Whilst there were some applications within "AGR" zone of the Approved Kau Lung Hang OZP were not approved by the TPB, it is noted AFCD in some applications within the same OZP, had "*no strong view on the application site*" with reasons that "*the site is paved and has low potential for agricultural rehabilitation*". Example could be found in application no. A/NE-KLH/544 for proposed house (New Territories Exempted House). In addition, application no. A/NE-KLH/593 and 594 which were agreed at the Appeal Board Panel (Town Planning) on 24.4.2023, according to the Town Planning Appeal (TPA) of 3 & 4 of 2021 Paper, it has mentioned that since 2001 to 2019, AFCD classified the application sites of other similar applications in the

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*potential for agricultural rehabilitation” (2001) or “the Site is surrounded by domestic structures. As the potential for agricultural rehabilitation is considered low, he has no strong view on the application” (2018 - 2019). It was until 2021 AFCD had changed its view to “The DFAC does not support the application site as the Site possesses potential for agricultural rehabilitation according to his recent inspection in February 2021 on the area which shows that there are active agricultural activities in the vicinity and agricultural infrastructure such as road access and water sources is available”. According to the TPA Members, even though ADFC considers the site possesses potential for agricultural rehabilitation afterwards, according to the existing condition of the site, the TPA Members considers it questionable. Location of the abovementioned cases are shown in **Attachment 3**.*

Based on the information above, if AFCD considers a site that is paved or surrounded by domestic structures has low potential for agricultural rehabilitation, we hope AFCD could re-assess the potential for agricultural rehabilitation for this current application site which has been hard paved for more than 30 years and with no vegetation.

Conclusion and Recommendation

In view of the planning justifications provided above, the approval of this application would not frustrate the long term planning intention of the “AGR” zone, and would serve the public interest of the area in meeting the urgent parking and EV charging demand for Yuen Leng Village. The Applicant sincerely requests that AFCD would give appropriate consideration to this temporary application so as to allow a vacant site to be put in good use to address the community’s need. This would facilitate improvement of the existing traffic condition and safety within the village, and also maximize the utilization and efficiency of vacant land until there is a concrete plan/ program for agricultural activities at the site.

Yours faithfully,

Toco Planning Consultants Ltd.



Ted Chan

Managing Director

c.c. DPO/STN – Ms. Jenny CHAN

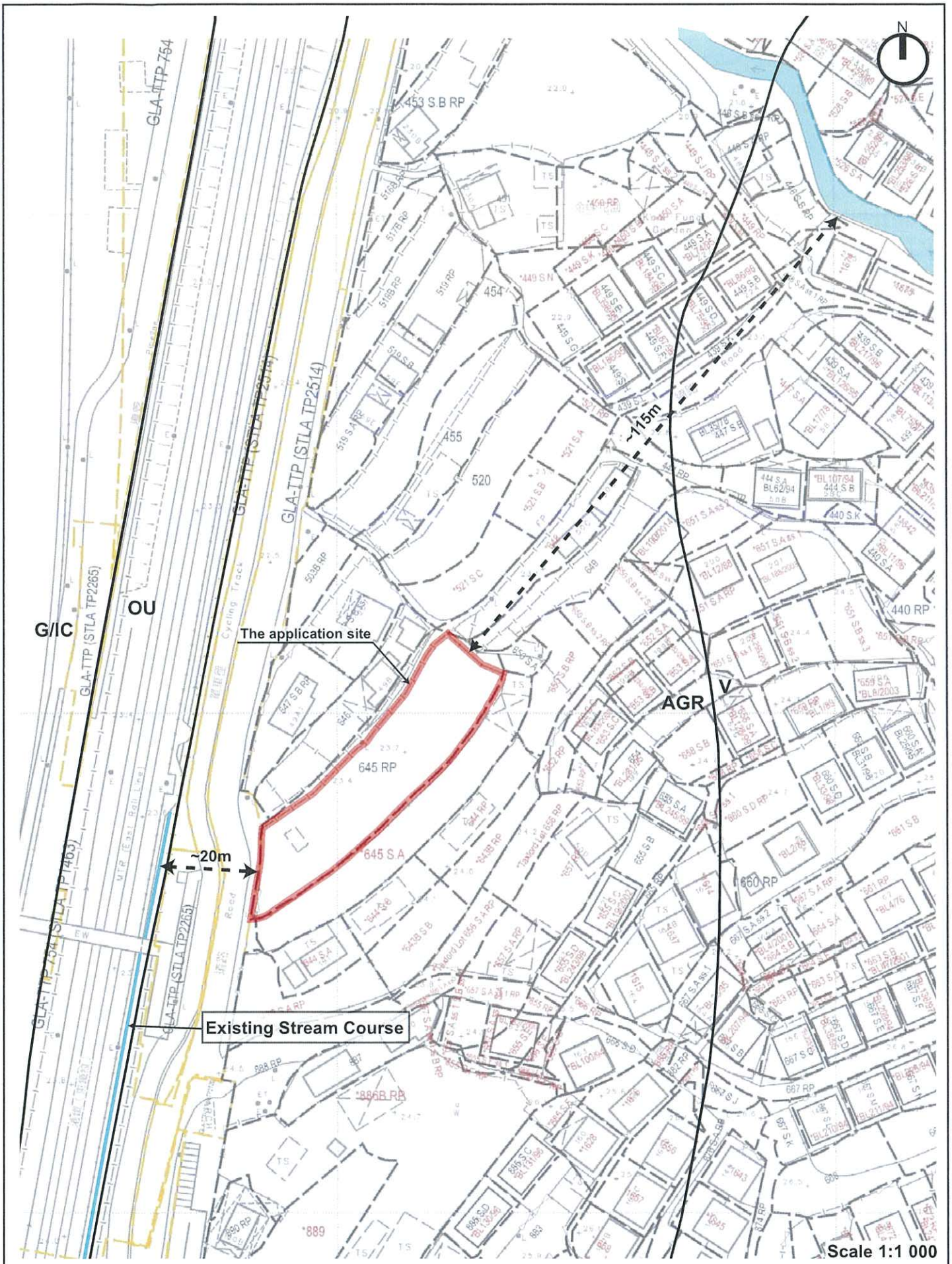


Attachment 1
Aerial Photo taken on 5.3.2004

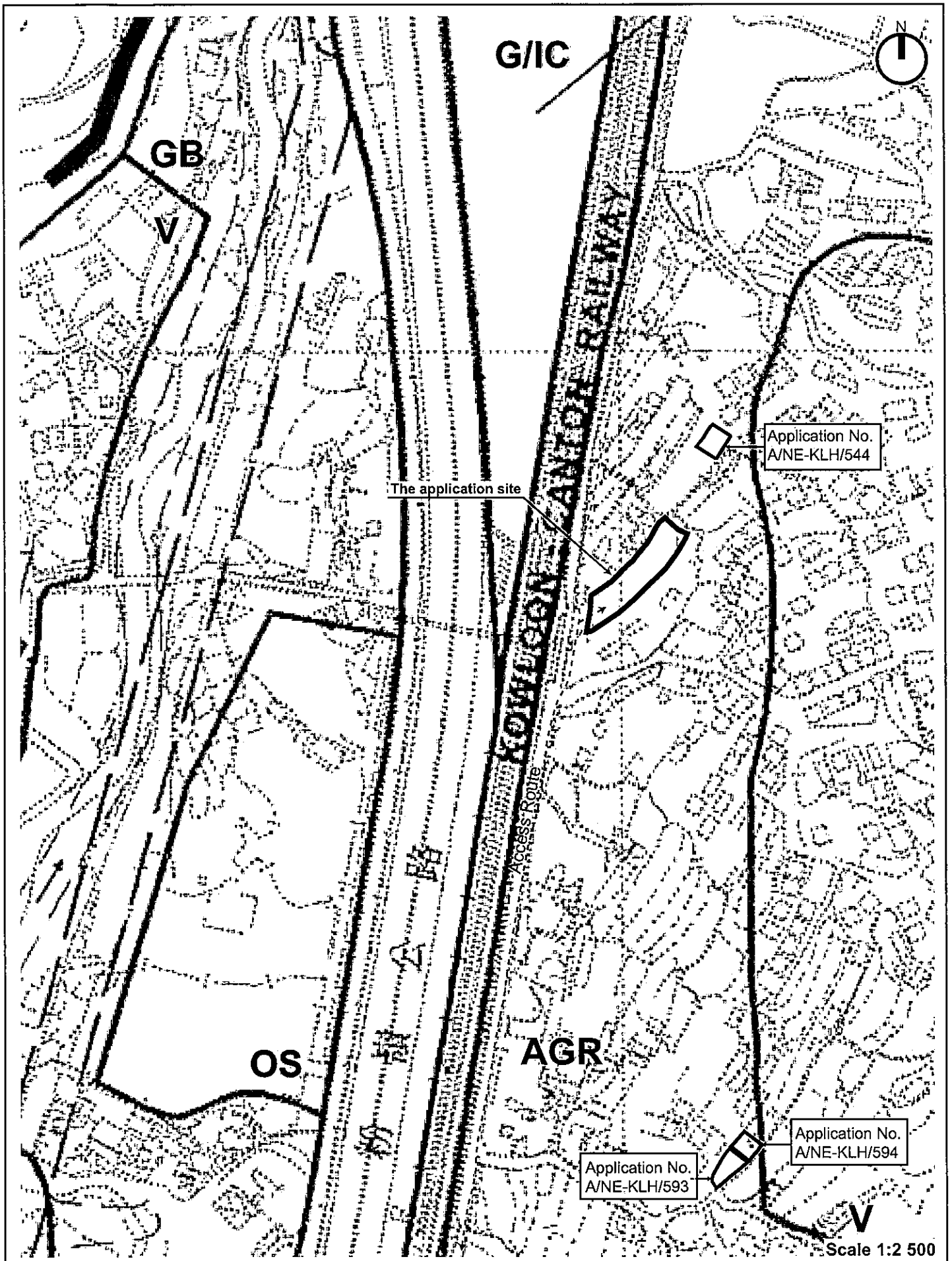
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HONG LOK YUEN 5-3-2004 4.000' CW56498

Application Site



Attachment 2: Location of Water Source



Attachment 3: Location of Relevant Cases