

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/276

- Applicant** : Mr. CHOI Yuet Wing represented by R-riches Property Consultants Limited
- Site** : Lots 548 (Part) and 549 (Part) in D.D. 112, Shui Lau Tin Tsuen, Shek Kong, Yuen Long
- Site Area** : About 3,402 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Village Type Development” (“V”)
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars only) at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “V” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within “V” zone, which requires planning permission from the Town Planning Board (the Board). At present, the Site is vacant, partly paved with gravels and partly covered by grass.
- 1.2 According to the applicant, a total of 44 private car parking spaces will be provided within the Site (**Drawing A-2**). No structure will be erected at the Site. The proposed operation hours will be 24 hours daily. The Site is accessible via a local track leading to Shek Kong Airfield Road and eventually to Kam Sheung Road (**Drawing A-1** and **Plan A-1**).
- 1.3 In support of the application, the applicant has submitted the following documents:
- (i) Application form with a planning statement received on (**Appendix I**)

14.2.2020

- (ii) Further Information (FI) dated 27.7.2020 (Appendix Ia)
(*exempted from publication*)

1.4 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 3.4.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. On 26.5.2020, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision as requested by the applicant. After the deferral, the applicant submitted FI on 27.7.2020. The application is now scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

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

- (a) The proposed development aims to provide private car parking spaces to meet the genuine need for vehicle parking of the Shui Lau Tin Tsuen villagers and residents, and rectify the existing illegal parking problem in the area.
- (b) One staff (nearby villager) will be stationed at the Site to monitor the traffic condition of the Site. Adverse traffic impact to the surrounding roads is not anticipated as the proposed use would generate minimal traffic; sufficient maneuvering space within the Site is provided to ensure no queuing, turning back outside the Site; and light, medium or heavy goods vehicles, including container tractors/trailers are prohibited to park/stored at the Site.
- (c) Environmental mitigation measures are proposed to mitigate environmental nuisances to the surrounding areas. Lighting would be switched off at 10:00 pm and no public announcement system would be installed. The ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ would be observed. In addition, the proposed development involves no filling or excavation of land.
- (d) There is a similar application (No. A/YL-SK/90) approved by the Board in 1999 within the same “V” zone, and approval of this application is unlikely to set undesirable precedent within the same “V” zone.

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

The applicant is not the current land owner but has complied with the 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) by posting site notice and notifying the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to planning enforcement action (No. E/YL-SK/222) against an Unauthorized Development (UD) occupying a larger area involving open storage use (**Plan A-2**). An Enforcement Notice (EN) was issued on 13.8.2019. Subsequent site inspection revealed that the UD has been discontinued, and the Compliance Notice (CN) was issued on 22.1.2020. Reinstatement Notice (RN) requiring removing fill materials on site and grassing the site was issued on 19.3.2020.

5. **Previous Application**

There is no previous application in respect of the Site.

6. **Similar Applications**

6.1 There are three similar applications (No. A/YL-SK/39, 90 and 259) for temporary public/private car/lorry parks in the same “V” zone, with application No. A/YL-SK/39 also encroaching upon adjoining “Residential (Group D)” (“R(D)”) zone. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

6.2 The above three applications were approved with conditions on a temporary basis for a period of 2-3 years by the Rural and New Town Planning Committee (the Committee) between 1997 and January 2020 mainly on the grounds that that approval of the application on a temporary basis would not jeopardize the long-term planning of the area; the proposed use was compatible with and supporting the village type development in the area; and relevant Government departments had no adverse comments. Application No. A/YL-SK/90 was subsequently revoked in 2001 due to non-compliance with approval conditions in relation to landscape proposals and drainage facilities.

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

7.1 The Site:

- (a) is vacant, partly paved with gravels and partly covered by grass;
- (b) is accessible via a local track leading to Shek Kong Airfield Road and eventually to Kam Sheung Road;
- (c) falls within Shui Lau Tin Site of Archaeological Interest (**Plan A-1**); and
- (d) includes an access road running from its north to its east (**Drawing A-2** and **Plan A-2**).

7.2 The surrounding areas of the Site are predominantly rural in character mixed with residential structures/dwellings, parking of vehicles (which are suspected UDs subject to planning enforcement action) and active/fallow farmland.

- (a) to its north, northeast, east and southeast are mainly clusters of residential structures/dwellings of the Shui Lau Tin Tsuen intermixed with parking of vehicles and fallow farmland within the same “V” zone; and
- (b) to its southwest, west and northwest are mainly active/fallow farmland and a few scattered residential structures/dwellings within “Agriculture” (“AGR”) zone.

8. Planning Intention

The planning intention of the “V” zone is primarily to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the “V” 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 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contain the restriction that no structures are allowed to be erected without the prior approval of the Government;
 - (b) the Site falls within Shui Lau Tin Site of Archaeological Interest (**Plan A-1**);
 - (c) should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions,

including among others the payment of premium or fee, as may be imposed by LandsD; and

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

Traffic

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

- (a) having regard to the FI (**Appendix Ia**), he has no comment on the application from traffic engineering perspective;
- (b) should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included; and
- (c) the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not and shall not be responsible for the maintenance of any access connecting the Site and Shek Kong Airfield Road; and
- (b) adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

Environment

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

- (a) should the application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”; and
- (b) there is no environmental complaint relating to the Site received by DEP in the past three years.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services

Department (CE/MN, DSD):

- (a) he has no objection in-principle to the proposed development from public drainage point of view; and
- (b) should the application be approved, the conditions requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval.

Cultural Heritage

9.1.6 Comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB):

- (a) notwithstanding that the Site falls within Shui Lau Tin Site of Archaeological Interest (**Plan A-1**), AMO has no objection to the application from cultural heritage viewpoint taking into account the proposed temporary public vehicle park (private cars only) is not extensive in terms of size and scale; no erection of structure nor filling of land/pond or excavation of land is involved; and the findings of previous archaeological work in the surrounding area; and
- (b) however, the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site.

Building Matters

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

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

Fire Safety

9.1.8 Comment of the Director of Fire Services (D of FS):

- (a) he has no objection in-principle to the proposal subject to fire service installations being provided to his satisfaction;
- (b) in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location

of where the proposed fire service installations to be installed should be clearly marked on the layout plans; and

- (c) the applicant is reminded that if any proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

- 9.1.9 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

he has not received any comments from the locals upon close of consultation and has no particular comments on the application.

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

- (a) Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Commissioner of Police (C of P).

10. Public Comment Received During the Statutory Publication Period

On 21.2.2020, the application was published for public inspection. During the three-week statutory public inspection period, one objecting comment from an individual (**Appendix III**) was received, criticizing that the application is to legitimize and extend an existing brownfield operation; the proposed use is a kind of commercial use on land zoned for residential use; and the Site should be used for transitional housing projects and other community purposes.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private cars only) at the Site for a period of 3 years. The Site falls within an area zoned "V" on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the applicant, the proposed development is intended to meet the genuine need for vehicle parking of the Shui Lau Tin Tsuen villagers and residents, which could help alleviate the existing illegal parking problem in the area. While the proposed use is not entirely in line with the planning intention of "V" zone, which is primarily to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, DLO/YL of LandsD advised that there is no Small House application approved or currently under processing at the Site.

Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The proposed development involving parking of private cars at the fringe of the “V” zone is considered not incompatible with the surrounding land uses, which are predominated by residential structures/dwellings and active/fallow farmland (**Plan A-2**). Relevant Government departments including C for T, DEP, CE/MN of DSD, CTP/UD&L of PlanD and AMO of DEVB have no objection to/no comment on the application from traffic, environmental, drainage and landscape aspects. It is anticipated that the proposed use of the Site would not have significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. To mitigate any potential traffic and environmental impacts on the surrounding areas, approval conditions restricting the type of vehicles allowed to access the Site as proposed by the applicant are recommended in paragraphs 12.2 (a) to (c) below. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (d) to (i). 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.
- 11.3 There are three similar applications for temporary public/private car/lorry parks within the same “V” zone, which were approved by the Committee between 1997 and January 2020. The Committee’s considerations for approval of the application as stated in paragraphs 6.1 and 6.2 are generally applicable to the current application and approval of the application is in line with the previous decisions of the Committee.
- 11.4 Regarding one objecting public comment received during the statutory publication period as stated in paragraph 10, relevant Government departments’ comments and planning considerations set out in paragraphs 11.1 to 11.4 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 in paragraph 10, 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 3 years until 4.9.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) only private cars as defined in the Road Traffic Ordinance and its subsidiary regulations, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;

- (b) no vehicles without valid licences 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) a notice shall be posted at a prominent location of the site at all times to indicate that only private cars as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of 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 **4.3.2021**;
- (f) in relation to (e) above, the implementation of 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 **4.6.2021**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.3.2021**;
- (i) in relation to (h) above, the implementation of 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 **4.6.2021**;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning condition (e), (f), (h) or (i) 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.

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

the proposed development is not in line with the planning intention of the "V" zone which is primarily to reflect existing recognized 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. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

Advisory clauses

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

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 a planning statement received on 14.2.2020
Appendix Ia	Further Information dated 27.7.2020
Appendix II	Similar Applications
Appendix III	Public Comment
Appendix IV	Advisory Clauses
Drawing A-1	Location Plan and Vehicular Access Plan
Drawing A-2	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**