

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

**APPLICATION NO. A/NE-LYT/834**

<b><u>Applicant</u></b>	: Shun Cheong Strategic Limited represented by Alliance Architects Limited
<b><u>Site</u></b>	: Lots 799 S.A RP, 800 S.B RP and 801 S.B in D.D. 83, 192 Sha Tau Kok Road, Lung Yeuk Tau, Fanling, New Territories
<b><u>Site Area</u></b>	: About 741m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
<b><u>Zoning</u></b>	: “Residential (Group C)” (“R(C)”)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Private Vehicle Park for Private Car and Light Goods Vehicle (Excluding Container Vehicle) and Loading/Unloading for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary private vehicle park for private car and light goods vehicle (LGV) (excluding container vehicle) and loading/unloading (L/UL) for a further period of three years. The Site falls within an area zoned “R(C)” on the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/19 (**Plan A-1**). According to the covering Notes of the OZP, any temporary use or development of any land or building 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 until 24.9.2024 (**Plans A-2 to A-4**).
- 1.2 The Site abuts Sha Tau Kok Road – Lung Yeuk Tau to the northwest (**Plan A-2**). According to the applicant, the temporary private vehicle park and L/UL area at the Site are to serve the adjacent electrical products workshop owned by the same applicant. The applied use involves a temporary rain shelter with building height of not more than 6m and a total floor area of about 312.5m<sup>2</sup> for L/UL area. Three parking spaces for private car and/or LGV are provided at the northern portion of

the Site (**Drawing A-1**). The operation hours of the Site are between 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. No medium or heavy goods vehicles exceed 5.5 tonnes, including container tractors/trailers, are allowed to parked/stored or enter/exit the Site. All existing trees within the Site would be properly maintained. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of eight approved previous applications submitted by the same applicant as the current application for the same/similar uses. Details of the previous applications are set out in paragraph 6 below. Compared with the last previous application No. A/NE-LYT/752 which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.9.2021, the current application remains 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 documents:

- (a) Application Form received on 26.7.2024 (Appendix I)
  - (b) Planning Statement received on 26.7.2024 (Appendix Ia)
  - (c) Further Information (FI) received on 9.8.2024<sup>^</sup> (Appendix Ib)
- <sup>^</sup> *accepted and exempted from the publication and recounting requirements*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Planning Statement and FI at **Appendices I to Ib** as summarised below:

- (a) the renewal application is for temporary private vehicle park and L/UL for an existing electrical products workshop at the adjoining site. The applied use is on a temporary basis and would not frustrate the long-term planning intention of the “R(C)” zone;
- (b) there is no change in the applied use, site area/boundary, layout and major development parameters as compared with the last approved application No. A/NE-LYT/752. Besides, all the time-limited approval conditions under the last application have been complied with; and
- (c) the applied use would not result in adverse traffic, environment, drainage and landscape impacts as well as fire safety issues on the surroundings. The existing fire services installations and drainage facilities on-site are well-maintained.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34D on '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 assessment criteria are attached at **Appendix II**.

#### **5. Background**

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

#### **6. Previous Applications**

- 6.1 The Site is the subject of eight previous applications (No. A/NE-LYT/149, 196, 308, 396, 496, 541, 640 and 752) for the same/similar uses submitted by the same applicant as current application. These applications were all approved with conditions by the Committee between 1998 and 2021 mainly on the considerations that the Site has been used as car parking and L/UL purpose for the workshop adjoining the Site since 1998; the applied use would not frustrate the long-term planning intention of the area; it was not incompatible with the surrounding areas; and no significant adverse impact from the applied use was anticipated.
- 6.2 Compared with the last approved previous application No. A/NE-LYT/752, the current application is the same in terms of applied use, site area/boundary, layout and major development parameters. All the approval conditions have been complied with and the planning permission under the last previous application is valid until 24.9.2024.
- 6.3 Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

#### **7. Similar Applications**

- 7.1 There are three similar applications (No. A/NE-LYT/775, 806 and 820) involving two sites for temporary public vehicle park (PVP) within/straddling the same "R(C)" zone in the vicinity of the Site in the past five years. They were all approved with conditions by the Committee between 2023 and 2024 mainly on the considerations the applied use would not frustrate the long-term planning intention of the area; it was not incompatible with the surrounding areas; and no significant adverse impact from the applied use was anticipated.
- 7.2 Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.3 Other than the similar applications as stated in paragraph 7.1 above, application No. A/NE-LYT/825, with its site located in the vicinity of the Site (**Plan A-1**), for PVP and shop and services for a period of three years will also be considered in this same meeting.

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

### **8.1 The Site:**

- (a) is hard paved, partly fenced off and currently used for the applied use with valid planning permission; and
- (b) abuts Sha Tau Kok Road – Lung Yeuk Tau to the northwest (**Plan A-2**).

8.2 The surrounding areas are of rural character mainly comprising workshop, warehouse/open storage, domestic structures and temporary vehicle park. To the north across Sha Tau Kok Road is San Wai Barracks.

## **9. Planning Intention**

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

All government 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 V** and **VI** respectively.

## **11. Public Comments Received During Statutory Publication Period**

On 2.8.2024, the application was published for public inspection. During the statutory public inspection period, five public comments were received (**Appendix VII**). The Chairman, First Vice Chairman and Vice Chairman of Fanling District Rural Committee object to the application mainly due to the potential pedestrian safety issue of the area. Two remaining comments from a member of North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning permission for temporary private vehicle park for private car and LGV (excluding container vehicle) and L/UL for a further period of three years at the Site zoned “R(C)”. Whilst the applied use is not in line with planning intention of the “R(C)” zone, the Site has been used as the same/similar temporary car parking and L/UL use to serve the workshop at the adjoining site since 1998. Besides, there is no known development proposal for the Site. Approval of the application for the applied use on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the “R(C)” zone.

12.2 The Site is paved, partly fenced off and currently used for the applied use. It is situated in an area of rural character comprising workshop, warehouse/open

storage, domestic structures and temporary vehicle park. The applied use is considered not incompatible with the surrounding land uses.

- 12.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no comment on the application from traffic, environmental, drainage and fire safety aspects respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental nuisance on the surroundings.
- 12.4 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application; all the approval conditions under the last application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.
- 12.5 The Site is the subject of eight approved previous applications for the same/similar uses submitted by the same applicant of the current application as detailed in paragraph 6.1 above. Besides, there are three approved similar applications involving two sites in the same “R(C)” zone in the vicinity of the Site as detailed in paragraph 7.1 above. The planning circumstances of the current applications are similar to those approved previous and similar applications. As such, approval of current application is generally in line with Committee’s previous decisions.
- 12.6 Regarding the adverse public comments as detailed in paragraph 10 above, the government departments’ comments and the planning assessments above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, 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 25.9.2024 until 24.9.2027. The following conditions of approval and advisory clauses are suggested for Members’ reference:

#### Approval Conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period; and
- (b) if the above planning condition (a) 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.

### Advisory Clauses

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

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

the applied use is not in line with the planning intention of the "R(C)" zone which is primarily for low-rise, low-density residential developments. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

## **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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**

<b>Appendix I</b>	Application Form received on 26.7.2024
<b>Appendix Ia</b>	Planning statement received on 26.7.2024
<b>Appendix Ib</b>	FI received on 9.8.2024
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2024**