

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/390

- Applicant** : Mr. MOK Kwai Leung represented by Metro Planning & Development Company Limited
- Site** : Lots 2816 (Part) and 2876 RP (Part) in D.D.129 and Adjoining Government Land (GL), Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,670m² (including 40m² of GL)
- Lease** : Block Government Lease (Demised for Agricultural Use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) for a period of 3 years at the application site (the Site) (**Plans A-1a and A-1b**). The Site falls within an area zoned “V”. According to the Notes of the OZP for “V” zone, ‘Private Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission. A temporary structure used as a store is observed at the northern boundary of the Site (**Plans A2 and A-4b**).
- 1.2 The Site involves two previous planning applications (No. A/YL-LFS/268 & 319) for filling of land for permitted agricultural use and public vehicle park use respectively. The last application (No. A/YL-LFS/319) for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 6.7.2018 for a period of 3 years. However, the planning permission was revoked on 6.12.2020 due to non-compliance with the approval conditions on the provision of fencing, the implementation of drainage and landscape proposals. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with slightly larger site area, but

different layout and more car parking spaces.

- 1.3 The Site is accessible via a local track leading from Man Tak Road (**Drawing A-2 and Plan A-3**). The ingress/egress are located both at the northern and southern parts of the Site (**Drawing A-3 and Plan A-2**). According to the applicant, the Site has been hard-paved and fenced off. 51 parking spaces for private cars (5m x 2.5m) are provided. The operation hours of the Site are from 7 a.m. to 11 p.m. daily, including public holidays. The proposed layout plan, landscape and tree preservation plan, drainage plan and fire service installations plan are shown at **Drawings A-3 to A-6** respectively.
- 1.4 The major development parameters of the current application and the last approved application are summarised as follows:

Major Development Parameters	Last Approved Application (A/YL-LFS/319) (a)	Current Application (A/YL-LFS/390) (b)	Difference (b) - (a)
Applied Use	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years		-
Site Area	1,607m ² (including GL of about 42m ²)	1,670m ² (including GL of about 40 m ²)	+63m ²
No. of Structure(s)	2 (1) Site office (2) Guard room and toilet	1 (1) Site office	-1
No. of Parking Spaces	38	51	+13
Vehicle Type	Private Cars Only		-
Operation Hours	7:00 a.m. to 11:00 p.m. daily, including public holidays		-

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 3.3.2021 (**Appendix I**)
 - (b) Supplementary Information received on 9.3.2021 providing clarification on the background information of the Site (**Appendix Ia**)
 - (c) Further Information (FI) received on 16.4.2021 providing a fire service installations proposal (**Appendix Ib**)
(*exempted from publication requirement*)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed vehicle park is compatible with the surrounding environment within Sha Kong Wai and in line with the planning intention of the “V” zone.
- (b) The vehicle park is intended to serve the local villagers and alleviate the problem of insufficient parking spaces in Sha Kong Wai.
- (c) Minimal traffic, noise and environmental impacts are anticipated.
- (d) Similar applications have been approved by the Board in the same “V” zone.
- (e) Only private cars are allowed to be parked on or enter/exit the Site.
- (f) A drainage proposal is submitted for consideration of the concerned department in order to minimise the adverse impacts to the surrounding environment.
- (g) No car beauty, car repairing, spraying, dismantling or other workshop activities will be carried out at the Site.

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

The applicant is not a “current land owner” 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. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Background

The Site would be subject to planning enforcement action.

5. Previous Application

- 5.1 The Site involves 2 previous planning applications (No. A/YL-LFS/268 & 319) for proposed filling of land for permitted agricultural use and public vehicle park use respectively. They were approved with conditions by the Committee on 27.3.2015 and 6.7.2018 respectively. Details of these applications and the Committee’s decisions are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-LFS/268 (covering the northern portion of the Site) for proposed filling of land (by about 1.5m) for permitted agricultural use was

approved by the Committee on 27.3.2015 mainly on the considerations of not incompatible with the planning intention of the “V” zone, not creating adverse drainage impact on the surrounding area and no objection from relevant Government departments including Environmental Protection Department (EPD) and Drainage Services Department (DSD). However, the permission was revoked on 20.8.2015 due to non-compliance with approval condition regarding the submission of drainage proposal before commencement of land filling works on the site.

- 5.3 The last application No. A/YL-LFS/319 (covering majority of the Site) for the same applied use as the current application submitted by the same applicant was approved with conditions by the Committee on 6.7.2018 for a period of 3 years on the considerations of not jeopardising the long-term planning intention of the “V” zone, not incompatible with the surrounding land uses, no adverse comments from concerned Government departments, no expected adverse impacts on traffic, environmental and drainage aspects and in line with the previous decision of the Committee. However, the planning permission was revoked on 6.12.2020 due to non-compliance with the provision of fencing, the implementation of drainage and landscape proposals.

6. Similar Applications

Within the same “V” zone, there are 6 similar applications (No. A/YL-LFS/281, 309, 310, 327, 345 and 388) for temporary public/private vehicle park for private cars and/or light goods vehicles. All of them were approved with conditions by the Committee between 2016 to 2021 for a period of 3 years on the considerations that temporary approvals would not jeopardise the long-term planning intention of the “V” zone, the developments were not incompatible with the surrounding land uses, there were no adverse comments from the concerned Government departments and planning approvals were in line with the previous decisions. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

7. The Site and Its Surrounding Areas (Plan A-1a to Plan A-4b)

7.1 The Site is:

- (a) currently hard-paved, fenced off and occupied by the applied use without valid planning permission;
- (b) located in the village ‘environs’ of Sha Kong Wai (**Plan A-1a**); and
- (c) accessible via a local track from Man Tuk Road (**Plan A-2 and Plan A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate east and south-east are residential dwellings (the nearest one is being about 1.2 m away) and vacant land. To its further south-east in “Residential (Group C)” zone is a temporary public vehicle park with a valid planning permission (**Plan A-2**);

- (b) to its north are a pond, cultivated agricultural land and vacant land. To its further north and north-east are residential dwellings and a site for recreational use with a valid planning permission (**Plan A-2**);
- (c) to its immediate west and south-west are a temporary public vehicle park with a valid planning permission (**Plan A-2**) and an office which is suspected unauthorised development (UD). To its further west are residential dwellings, an orchard and vacant land; and
- (d) to its immediate south is a temporary structure for storage which is suspected UD.

8. Planning Intention

The planning intention of “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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 (NTEH). 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 and the public comments received are summarised 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 (OSALs) and GL. The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of the GL included in the Site (about 40m² subject to verification). The act of occupation of GL without Government’s prior approval is not allowed.
- (c) Should planning approval be given to the planning application, the lot owner(s) of the lots will need to immediately apply to his office for permitting the structures to be erected or to regularise any irregularities on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual

occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the 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 rent or fee, as may be imposed by LandsD.

- (d) There is no NTEH or Small House application received / under pending / approved at the Site.

Environment

9.1.2 Comment of the Director of Environmental Protection (DEP):

- (a) The development would not involve operation of heavy vehicles nor dusty operations. Therefore, he has no objection on the application.
- (b) No environmental complaint pertaining to the Site has been received in the past three years.
- (c) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) issued by the DEP to minimise potential environmental nuisance to the surrounding area.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.
- (c) The local track leading to the Site is not under Transport Department (TD)’s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public

roads/drains.

- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Man Tak Road.

Landscape

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

- (a) The proposed development involves one temporary structure (with height of not more than 3m and GFA of not more than 30m²) at the hard paved site currently used as a public vehicle park. As the proposed structure is small in scale and situated in the “V” zone occupied by 3-storey village houses, significant visual impact is not anticipated and the proposed development is considered not incompatible with the surrounding.
- (b) With reference to the aerial photo of 2019 and the site photos taken by DPO on 12.3.2021, the Site is mainly hard paved with existing vehicle park in operation and a temporary structure in the north within Site. According to his site visit on 29.03.2021, there are around 55 existing trees of common species *Melaleuca quinquenervia* (白千層) within boundary of the Site. The Site is situated in an area of rural coastal plains landscape character predominately by village houses, vehicular parks, scattered tree groups and ponds. Significant change to the character arising from the application is not anticipated.
- (c) In view that the implementation of tree preservation and landscape proposal in the last application has not been complied with, it is considered appropriate to impose an approval condition of submission and implementation of a revised landscape proposal to the satisfaction of the Director of Planning or of the Board should the application be approved by the Board.
- (d) The applicant should be reminded of the detailed comments in **Appendix V**.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.

- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The FSIs proposal submitted by the applicant is considered acceptable to his Department. The applicant should be reminded of the detailed comments at **Appendix V**.

District Officer's Comments

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

His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Project Manager (West), CEDD (PM(W), CEDD);
- (d) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 12.3.2021, the application was published for public inspection. During the statutory public inspection period, 2 public comments were received from individuals (**Appendices IV-1 and IV-2**). An individual objects to the proposed development on the grounds of traffic and environmental problems and the possibility of increase of outbreak of fire, which would affect the living quality and safety for the residents in the village. The other individual concerns that the previous planning approval on the Site was revoked but the area remains occupied by the applied use without valid planning permission, and opines that the availability of parking space is excessive within the village.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars) for a period of 3 years in the “V” zone of Sha Kong Wai. Although the applied use is not entirely in line with the planning intention of the “V” zone which is primarily for development of Small Houses by indigenous villagers, the development could serve the local villagers/residents for meeting their car parking needs. Besides, DLO/YL of LandsD advises that there is no Small House application approved or under processing within the Site at present. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The Site is located at the south-eastern part of the village clusters. The applied use is considered not incompatible with the surrounding land uses which mainly comprise rural residential dwellings/structures (**Plan A-2**).
- 11.3 Relevant Government departments, including DEP, C for T, D of FS and CTP/UD&L of PlanD have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse environmental, traffic, fire safety and landscape impacts to the surrounding area. To minimise any possible environmental impacts and nuisance on the surrounding developments and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest “COP” in order to minimise the potential environmental nuisance to the surrounding area.
- 11.4 The Site involves 2 previous applications. The last application (No. A/YL-LFS/319) for the same use was approved with conditions for a period of 3 years by the Committee on 6.7.2018. Subsequently, the planning permission was revoked on 6.12.2020 due to non-compliance with the approval conditions on the provision of fencing, the implementation of drainage and landscape proposals. The current application is submitted by the same applicant with slightly larger area but different layout and the Site is currently occupied by the applied use. Nevertheless, the applicant has submitted drainage proposal, landscape proposal

and FSIs proposal (**Drawings A-4 to A-6**). As such, sympathetic consideration may be given to the application. However, should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.

- 11.5 Given that one previous application and six similar applications for temporary public/private vehicle park use have been approved within the same “V” zone since 2016, approval of the current application is in line with the previous decisions of the Committee.
- 11.6 There are 2 public comments received, in which 1 objecting and 1 providing views on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraph 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraphs 10 above, the Planning Department considers 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 for a temporary basis for a period of 3 years until **30.4.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked on or enter/exit 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 are allowed to be parked on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) no car beauty, repairing, spraying, dismantling or other workshop activity,

as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (g) the existing fencing of the site shall be maintained at all times during the planning approval period;
- (h) the submission of a revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **30.7.2021**;
- (i) in relation to (h) above, the implementation of the 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 **30.10.2021**;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) the implementation of the accepted 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 **30.10.2021**;
- (l) the submission of a revised tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **30.7.2021**;
- (m) in relation to (l) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **30.10.2021**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (h), (i), (k), (l) or (m) is not complied with by the above 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 attached at **Appendix V**.

- 12.3 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 "V" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the

planning intention, even on a temporary basis.

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 Received on 3.3.2021
Appendix Ia	Supplementary Information received on 9.3.2021
Appendix Ib	Further Information received on 16.4.2021
Appendix II	Previous application covering the Site
Appendix III	Similar Applications within the same “V” zone
Appendices IV-1 and IV-2	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Location Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape & Tree Preservation Plan
Drawing A-5	Proposed Drainage Plan
Drawing A-6	Proposed Fire Service Installations Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2021**