

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

APPLICATION NO. A/YL-LFS/427

- Applicant** : Mr. Mok Fook Keung represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 2888RP (Part) and 2889RP (Part) in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,646m²
- 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/11
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11. According to the Notes for the “V” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use that requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-LFS/345 until 16.8.2022 (**Plans A-2** and **A-4**).
- 1.2 The Site is accessible from Tin Wah Road via Man Tak Road and a local track (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, the proposal comprises 45 parking spaces for private cars (5m × 2.5m each), and 2 parking spaces for light goods vehicles (7m × 3.5m each). No structure is proposed at the Site.
- 1.3 According to the applicant, the operation hours of the temporary public vehicle park are between 7 a.m. and 11 p.m. daily (including public holidays). Drainage facilities (i.e. surface U-channel with catchpits) and peripheral landscape planting are provided. The layout plan, vehicular access plan, as-built drainage plan and existing

trees plan are at **Drawings A-1 to A-4** respectively.

1.4 The Site is the subject of 2 previous applications (No. A/YL-LFS/281 and 345) (details at paragraph 6 below).

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 31.5.2022 (Appendix I)
- (b) Supplementary Information (SI) received on 8.6.2022 (Appendix Ia)

2. Justifications from the Applicant

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

- (a) The applied use can help relieve the huge parking demand of the villagers and visitors of Sha Kong Wai Village.
- (b) The applicant has complied with all the approval conditions of the previous planning permission under application No. A/YL-LFS/345.
- (c) The Board has granted permissions for a number of similar temporary public vehicle parks in the vicinity of the Site. Similar preferential treatment should also be granted to the current application.

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 notice at the Site and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘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 the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

6.1 The Site is the subject of 2 previous applications (No. A/YL-LFS/281 and 345) for

the same applied use as the current application. Both applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 22.1.2016 and 16.8.2019 respectively mainly on considerations that temporary use would not jeopardise the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding land uses; and there were no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions. All the time-limited approval conditions under both applications have been complied with. The last previous application No. A/YL-LFS/345 is still valid until 16.8.2022. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 Compared with the last previous application No. A/YL-LFS/345, the current application is submitted by the same applicant for the same use at the same site, with the same development parameters and site layout.

7. Similar Applications

- 7.1 Within the same “V” zone, there are 7 similar applications (No. A/YL-LFS/309, 310, 319, 327, 388, 390 and 394) for temporary public or private vehicle park for private cars and/or light goods vehicles with or without filling of land in the past 5 years. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Applications No. A/YL-LFS/309, 310, 319, 327, 388 and 390 involving 5 sites within the “V” zone were approved with conditions by the Committee between 2018 and 2021 mainly on considerations that temporary use would not jeopardise the long-term planning intention of the “V” zone; the applied development was not incompatible with the surrounding area; and there were no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions.
- 7.3 Application No. A/YL-LFS/394 straddling the “V”, “Residential (Group A)” and “Green Belt” (“GB”) zones of the OZP was approved with conditions by the Committee on 14.5.2021 mainly on similar considerations as mentioned in paragraph 7.2 above, and that majority of the “GB” portion had been formed and used for an approved recreational use.

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

- 8.1 The Site is:
- (a) being used for the applied use with valid planning permission under application No. A/YL-LFS/345 until 16.8.2022; and
 - (b) accessible from Tin Wah Road via Man Tak Road and a local track on private lot and Government Land.
- 8.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorised developments (UDs) subject to enforcement action by the Planning Authority:

- (a) to the north, northeast and northwest across a local track are village houses, a pond, a vehicle park, cultivated agricultural land and unused land;
- (b) to the east and northeast are village houses, a vehicle park covered by valid planning permission (Application No. A/YL-LFS/390), cultivated agricultural land, storage yards, vacant land and unused land;
- (c) to the south are village houses, vacant land and unused land; and
- (d) to the west across the local track are village houses, a vacant school premises of the former Sha Kong Public Luen Yick School for proposed temporary institutional use (No. A/YL-LFS/347), a shrine, ruins and unused land.

9. Planning Intention

The planning intention of the “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.

10. Comments from Relevant Government Departments

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 IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 10.6.2022, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual (**Appendix VI**) objecting to the application on grounds that the applied use would generate adverse traffic, environmental and fire safety impacts.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years at the Site, which is zoned “V” on the OZP. The planning intention of the “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. Although the applied use is not entirely in line with the planning intention of the “V” zone, the development could serve the local villagers/residents for meeting their car parking needs. Besides, the District Lands Officer/Yuen Long of the Lands Department advises that there is no Small House application approved or under processing at the Site. 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.

- 12.2 The Site is located at the southern part of the recognised village of Sha Kong Wai. The surroundings are predominated by village houses. The applied use is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-LFS/345, the applicant has complied with all the approval conditions, and the 3-year approval period sought is of the same time frame as the previous approval.
- 12.4 Concerned government departments including Director of Environmental Protection (DEP), Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/adverse comment on the application. The applied use will unlikely generate significant adverse environmental, traffic, drainage and fire safety impacts on the surroundings. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 The Committee had approved 2 previous applications (No. A/YL-LFS/281 and 345) for the same applied use at the Site (**Plan A-1**). There are also 7 similar approved applications (No. A/YL-LFS/309, 310, 319, 327, 388, 390 and 394) involving 6 sites for temporary public or private vehicle park for private cars and/or light goods vehicles within the same “V” zone in the past 5 years (**Plan A-1**). Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There is a public comment received objecting to the application on grounds as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 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 comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 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 17.8.2022 until 16.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the Site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (c) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **17.11.2022**;
- (e) the submission of a fire service installations proposal within **6 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **17.2.2023**;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **17.5.2023**;
- (g) if any of the above planning condition (a), (b) or (c) 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
- (h) if any of the above planning condition (d), (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.

[Conditions (a) to (f) are all the same as the previous application No. A/YL-LFS/345, while previous conditions on operational hours, posting of notice on restriction of vehicle types, no workshop use, no queue back to public road, and maintenance of existing trees, landscape planting and fencing have been removed as per the latest requirements.]

Advisory Clauses

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

- 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 "V" zone which is primarily for development of Small Houses by indigenous villagers. 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 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 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 received on 31.5.2022
Appendix Ia	Supplementary Information received on 8.6.2022
Appendix II	Relevant extracts of Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development’ (TPB PG-No. 34D)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Existing Trees Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2022**