

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/429

- Applicant** : Mr. Wong Kwok Wing represented by Metro Planning & Development Company Limited
- Site** : Lots 2632, 2634 (Part), 2796 (Part), 2797 (Part) and 2798 (Part) in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,484m²
- 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** : Temporary Public Vehicle Park for Private Cars for a Period of 5 Years with Filling of Land and Pond

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private cars for a period of 5 years with filling of land and pond 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). Besides, filling of land/pond within the “V” zone also requires planning permission from the Board. The Site is currently hard-paved and being used for the applied use without any valid planning permission (**Plans A-2 and A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Wah Road via a local track (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, the proposal comprises 34 parking spaces for private cars (5m × 2.5m 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 fencing will be provided. The layout plan, vehicular access plan, land and pond filling plan, drainage plan and fencing plan are at **Drawings A-1 to A-5** respectively.

- 1.4 Moreover, the applicant seeks to regularise the land and pond filling on the Site. As shown on the land and pond filling plan at **Drawing A-3**, a pond of about 760m² has been filled with concrete of about 1.2m in depth. The remaining land of about 724m² has also been concrete-paved of about 0.2m in depth. In a nutshell, the entire Site has been concrete-paved.
- 1.5 The Site is the subject of 2 previous applications (No. A/YL-LFS/39 and 327) (details at paragraph 5 below).
- 1.6 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|---|------------------------|
| (a) | Application Form received on 20.6.2022 | (Appendix I) |
| (b) | Supplementary Information (SI) dated 1.7.2022 | (Appendix Ia) |
| (c) | SI dated 4.7.2022 | (Appendix Ib) |

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 is primarily for the convenience of the villagers. It is a Column 2 use under the Notes for the “V” zone, and is in line with the planning intention.
- (b) There is insufficient supply of parking spaces to meet the huge demand of the villagers.
- (c) Only private cars will be allowed to be parked at the Site. No vehicle without valid licences will be permitted to be parked. The applied development is compatible with the surrounding environment.
- (d) The Site is the subject of a previous application for the same applied use in 2018. Similar planning applications have been approved by the Board within the same “V” zone.
- (e) The applied development would not generate significant traffic and environmental impacts. Drainage facilities will be provided 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 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. Background

The Site is the subject of an active planning enforcement action (Case No. E/YL-LFS/554) against unauthorised development (UD) involving parking of vehicles (**Plan A-2**).

Enforcement Notice was issued on 18.5.2022 requiring the discontinuance of the UD by 18.7.2022. The Site is being closely monitored under established practice.

5. Previous Applications

- 5.1 The Site is involved in 2 previous applications for recreational uses and temporary private vehicle park for private cars. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-LFS/39 covering a much larger extent of area for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses within the “GB” and “V” zones was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 14.5.1999. The considerations thereof were not relevant to the current application for temporary public vehicle park use.
- 5.3 Application No. A/YL-LFS/327 for temporary private vehicle park for private cars for a period of 3 years was approved with conditions by the Committee on 5.10.2018 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. Nevertheless, the planning permission was subsequently revoked on 5.1.2021 due to non-compliance with time-limited approval conditions on the submission and implementation of drainage proposal, and the provision of fencing.
- 5.4 Compared with the last previous application No. A/YL-LFS/327, the current application is submitted by the same applicant for similar use with regularisation of land and pond filling undertaken at the same site, with provision of 10 more parking spaces.

6. Similar Applications

- 6.1 Within the same “V” zone, there are 8 similar applications (No. A/YL-LFS/309, 310, 319, 345, 388, 390, 394 and 427) for temporary public 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 II** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-LFS/309, 310, 319, 345, 388, 390 and 427 involving 5 sites within the “V” zone were approved with conditions by the Committee between 2018 and 2022 mainly on similar considerations as mentioned in paragraph 5.3 above.
- 6.3 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 5.3 above, and that majority of the “GB” portion had been formed and used for an approved recreational use.

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

7.1 The Site is:

- (a) hard-paved and being used for the applied use without valid planning permission; and
- (b) accessible from Tin Wah Road via a local track on private lot and Government Land.

7.2 The surrounding areas have the following characteristics. Some of the uses are suspected UDs subject to enforcement action by the Planning Authority:

- (a) to the north, east and southwest are mainly village houses intermixed with parking of vehicles, cultivated agricultural land, storage yards, vacant land and grassland. To the further northeast and northwest are shrubland; and
- (b) to the southeast is a recreational development named Greenfield Garden covered by valid planning permission (No. A/YL-LFS/424). To the further south is a vehicle park covered by valid planning permission (No. A/YL-LFS/394).

8. Planning Intention

8.1 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.

8.2 As filling of land/pond and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 III and IV** respectively.

9.2 The following government department supports the application:

Traffic

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

- (a) He supports the application from traffic engineering perspective to

meet the public demand on car parking spaces.

- (b) The applicant should note his advisory comments in **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 5.7.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments were received from individuals (**Appendices V-1 and V-2**) objecting to the application on grounds that the applied use would generate adverse traffic, environmental and fire safety impacts, and the Site is the subject of a previous permission which was revoked due to non-compliance with approval conditions.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private cars for a period of 5 years with filling of land and pond 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. C for T supports the application from traffic engineering perspective as it could meet public demand for car parking spaces. 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 5 years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 Besides, the applicant seeks to regularise the pond filling (with concrete of about 760m² in area and about 1.2m in depth) and land filling (with concrete of about 724m² in area and about 0.2m in depth) at the Site. Filling of land and pond within the “V” zone requires planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment. In this regard, Chief Engineer/Mainland North of the Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no adverse comment from drainage and environmental perspectives.
- 11.3 The Site is located at the northeastern part of the recognised village of Sha Kong Wai. The surrounding areas comprise predominately village houses, with a recreational development to the southeast of the Site. The applied use is considered not incompatible with the surrounding land uses.
- 11.4 Other concerned government departments including CE/MN of DSD, DEP and Director of Fire Services have no objection to/adverse comment on the application. The applied use will unlikely generate significant adverse drainage, environmental 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 12.2 below.
- 11.5 The Site is involved in 2 previous applications, with the last previous application

(No. A/YL-LFS/327) for a similar use of temporary private vehicle park for private cars, which was approved with conditions by the Committee on 5.10.2018. However, the planning permission was revoked on 5.1.2021 due to non-compliance with time-limited approval conditions in relation to the submission and implementation of drainage proposal, and provision of fencing. For the current application, it is submitted by the same applicant for a slightly different use of temporary public vehicle park for private cars, with a different layout and with regularisation of land and pond filling. In support of the application, the applicant has submitted drainage and fencing proposals. CE/MN of DSD has no objection to the current application. As such, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.

11.6 There are also 8 similar approved applications (No. A/YL-LFS/309, 310, 319, 345, 388, 390, 394 and 427) involving 6 sites for temporary public 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.

11.7 There are 2 public comments received objecting to the application on grounds as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 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 mentioned in paragraph 10 above, 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 5 years until **12.8.2027**. 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 submission of a revised 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 **12.2.2023**;
- (d) in relation to (c) above, the implementation of the revised 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 **12.5.2023**;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.2.2023**;
- (g) in relation to condition (f) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.5.2023**;
- (h) if any of the above planning condition (a), (b) or (e) 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
- (i) if any of the above planning condition (c), (d), (f) or (g) 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.

Advisory Clauses

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

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

the applied development 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning 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 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 20.6.2022
Appendix Ia	Supplementary Information dated 1.7.2022
Appendix Ib	Supplementary Information dated 4.7.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Land and Pond Filling Plan
Drawing A-4	Drainage Plan
Drawing A-5	Fencing Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**