

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/467

- Applicant** : Mr. Mok Tim Loi
- Site** : Lot 2815 in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 268.6m²
- 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** : Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park for private cars for a period of three years and filling of land at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’, which is a Column 2 use, as well as filling of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly vegetated and partly hard-paved (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Wah Road and Man Tak Road via a local track (**Plan A-3**). As shown on the layout plan at **Drawing A-1**, the proposal comprises 11 parking spaces for private cars (5m × 2.4m each). No structure is proposed at the Site. As indicated in the submission, the operation hours would be 24 hours daily, including Sundays and public holidays.
- 1.3 Moreover, the applicant also proposes to fill the entire Site (268.6m²) with fill materials of about 0.1m in depth.
- 1.4 In support of the application, the applicant has submitted the Application Form which was received on 11.4.2023 (**Appendix I**).

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 proposed parking spaces are mainly for the use by the tenants and visitors of the village houses nearby owned by the applicant. As no spare parking spaces is currently available in the Sha Kong Wai Village, additional parking spaces have to be provided;
- (b) the Site is located at some distance away from the village houses nearby. No adverse environmental, traffic, visual and landscape impact would be caused to the nearby villagers; and
- (c) as the Site is a private lot, the proposed car park will not cause any risk.

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. Background

The Site is currently not subject to any active planning enforcement action. Should there be sufficient evidence to form an opinion that there is unauthorised development on-site under the Town Planning Ordinance, planning enforcement action would be instigated.

5. Previous Application

The Site is not involved in any previous planning application.

6. Similar Applications

- 6.1 Within the same “V” zone, there are ten similar applications for temporary public or private vehicle park for private cars and/or light goods vehicles with or without other use and land/pond filling in the past five years. All of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2018 and 2023. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Nine applications (No. A/YL-LFS/319, 327, 345, 388, 390, 427, 429, 431 and 464) involving six sites were approved with conditions by the Committee between 2018 and 2023 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; there were no adverse comments from concerned government departments and their technical concerns could be addressed by approval conditions.

- 6.3 Application No. A/YL-LFS/394 straddling the “V”, “Residential (Group A)” (“R(A)”) and “Green Belt” (“GB”) zones on the OZP was approved with conditions by the Committee on 14.5.2021 mainly on similar considerations as mentioned in paragraph 6.2 above, and that majority of the “GB” portion had been formed and used for recreational use under a planning permission.

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

7.1 The Site is:

- (a) vacant, partly covered with trees and vegetation, and partly hard-paved with concrete and partly vacant; and
- (b) accessible from Tin Wah Road to its south via Man Tak Road and a local track.

7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments subject to planning enforcement action:

- (a) to the northwest across a local track are village houses, a pond, vacant land and unused land;
- (b) to the north and northeast are village houses, cultivated and fallow agricultural land, as well as a public aqua privy (i.e. Sha Kong Wai Aqua Privy). To the further northeast are a car park and a place of recreation, sports or culture (named Tin Shui Wai Greenfield Garden), both covered by valid planning permissions (under application No. A/YL-LFS/394 and 424 respectively). To the further east is a vehicle park within the “R(A)” zone of the OZP which is always permitted;
- (c) to the south are village houses, a car park covered by valid planning permission (under application No. A/YL-LFS/390), shrubland, grassland and vacant land; and
- (d) to the southwest are a storage yard, cultivated agricultural land, site office and a vehicle park covered by valid planning permission (under application No. A/YL-LFS/427).

8. 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.

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) She 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 21.4.2023, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals (**Appendices V-1 and V-2**) were received objecting to the application mainly on grounds that the Site is subject to unauthorized filling of land which has led to inundation of the surrounding areas; part of the Site is currently used as a village access and the proposal would lead to its blockage; and approval conditions for the vehicles park to its immediate surroundings had not been complied with. The commenters also question the need for parking spaces, and request the Site be reinstated and proper on-site drainage facilities be provided.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park for private cars for a period of three years and filling of land within the “V” zone of the OZP (**Plan A-1**). Although the proposed use is not entirely in line with the planning intention of the “V” zone, it may help serve the local villagers/residents and meet their car parking needs. In this regard, C for T supports the application from traffic engineering perspective. Besides, District Lands Officer/Yuen Long, 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 for three years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The applicant also applies for filling of land of about 0.1m in depth covering the entire Site (about 268.6m²). Filling of land within the “V” zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no adverse comment from drainage and environmental perspectives.
- 11.3 The Site is located at the eastern part of the recognised village of Sha Kong Wai. The surrounding areas comprise predominately village houses intermixed with, inter alia, vehicle parks which are always permitted or covered by planning permission. The proposed development is considered not incompatible with the surrounding land

uses.

- 11.4 Other concerned government departments including the Chief Town Planner/Urban Design and Landscape of Planning Department and Director of Fire Services have no objection to/adverse comments on the application. The technical requirements of concerned government departments could be addressed by imposing approval conditions in paragraph 12.2 below.
- 11.5 Given that ten similar applications covering seven sites for temporary public or private vehicle park with or without other use and land/pond filling involving the “V” zone were approved by the Committee in the past five years (**Plan A-1**), approval of the current application is in line with the previous decisions of the Committee.
- 11.6 Regarding the public comments objecting to the application on grounds as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. As regard the concerns over village access, it should be noted that the Site falls entirely within a private lot. C for T and District Officer (Yuen Long), Home Affairs Department have no adverse comment on the application. As for the concerns over non-compliance with approval conditions of other public vehicle parks in the surroundings, it should be noted that failure to comply with approval conditions will result in revocation of planning permission.

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, 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 three years until **9.6.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) the submission of a 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 **9.12.2023**;

- (d) in relation to (c) above, the implementation of the 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 **9.3.2024**;
- (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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **9.12.2023**;
- (g) in relation to condition (f) above, the implementation of the 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 **9.3.2024**;
- (h) if any of the above planning conditions (a), (b) or (e) 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
- (i) if any of the above planning conditions (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 proposed 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 11.4.2023
Appendix II	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
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2023**