

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/480

- Applicant** : Mr. Mok Kwai Leung represented by LCH Planning & Development Consultants Limited
- Site** : Lots 2816 and 2876 RP (Part) in D.D. 129, Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,501m²
- 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 (Private Cars) and Shop and Services for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars) and shop and services for a period of five years 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)’ and ‘Shop and Services’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is hard-paved, and currently use as public vehicle park for private cars with valid planning permission under application No. A/YL-LFS/390 until 30.4.2024 (**Plans A-2, A-4a to A-4c**).
- 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**, 45 parking spaces for private cars (5m × 2.5m each) and one loading/unloading space for light goods vehicle (7m × 3.5m each) would be provided. Two structures of one storey (about 2.3m to 3.5m in height) and with a total floor area of about 71m² are proposed for shop and services, site office and store room uses.
- 1.3 According to the applicant, the operation hours of the proposed public vehicle park and shop and services would be 7 a.m. to 11 p.m. daily, including public holidays. The existing drainage facilities (i.e. surface U-channel and catchpit) would continue to be utilised in the current proposal (**Drawing A-2**).

- 1.4 The Site is involved in three previous applications, including two (No. A/YL-LFS/319 and 390) for temporary public vehicle park for private cars, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively (details at paragraph 5 below).
- 1.5 Compared with the previous applications, the current application is submitted by the same applicant, with a reduced site area, addition of shop and service use, different development parameters and layout, and longer validity period. A comparison of the major development parameters between the last previous application No. A/YL-LFS/390 and the current application is as follows.

	Previous Application No. A/YL-LFS/390 (a)	Current Application No. A/YL-LFS/480 (b)	Difference (b) - (a)
Site Area	about 1,670m ² (including 40m ² of Government Land)	about 1,501m ² (all private land)	-169m ² (-10.1%)
Applied uses	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	Temporary Public Vehicle Park (Private Cars) and Shop and Services for a Period of 5 Years	Addition of Shop and Services use and longer validity period
No. of structures	1 • site office	2 • shop and services and site office • store room	+1 (+100%)
Total Floor Area	about 30m ²	about 71m ²	+41m ² (+136.7%)
Height of structures	1 storey (about 3m)	1 storey (about 2.3m to 3.5m)	+0.5m (+16.7%)
No. of parking spaces	51 (for private cars)	45 (for private cars)	-6 (-11.8%)
No. of loading/ unloading space	Nil	1 (for light goods vehicles)	+1
Operation Hours	7 a.m. to 11 p.m. daily (including Sundays and public holidays)		No change

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

- | | | |
|-----|---|----------------------|
| (a) | Application Form received on 26.6.2023 | (Appendix I) |
| (b) | Supporting Planning Statement | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 3.7.2023 | (Appendix Ib) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supporting Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) there is no Small House application at the Site. The proposed uses which is compatible with the surroundings would help fully utilise land resource. Temporary approval would not jeopardise the long-term planning intention of the “V” zone;

- (b) with limited public transport services available in the vicinity, private car is the major travel mode for the villagers. Notwithstanding the high car ownership rate amongst the villagers, there is a shortage of car parking spaces in the Sha Kong Wai Village. The proposed temporary public vehicle park would serve the car parking needs of the villagers and their visitors;
- (c) the proposed uses will not generate significant traffic. On the other hand, the proposed uses would reduce roadside parking along Man Tak Road and village roads, thereby improving the local traffic condition;
- (d) the Site is involved in two approved previous planning applications (No. A/YL-LFS/319 and 390) for temporary public vehicle park for private cars. There are also various similar applications for temporary public vehicle park in the same “V” zone. Whilst there is no similar application for temporary shop and services, the proposed temporary shop and services use would meet the retail needs of the villagers;
- (e) the existing drainage system on-site would continue to be utilised. No complaint from surrounding villagers is received over the years. Hence, no adverse drainage impact is anticipated; and
- (f) the proposed uses would not generate significant adverse environmental, visual and landscape impacts to the surrounding environment.

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 Ordinance (TPB PG-No. 31A) by posting site notice 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 currently not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in three previous applications for filling of land or temporary public vehicle park use. All of them were approved with conditions by the Committee. Details of the application are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-LFS/268 for proposed filling of land for permitted agricultural use was approved with conditions by the Committee on 27.3.2015. The considerations for this previous application are not relevant to the current application for temporary public vehicle park.

- 5.3 Applications No. A/YL-LFS/319 and 390, both for temporary public vehicle park for private cars for a period of three years, were approved with conditions by the Committee on 6.7.2018 and 30.4.2021 respectively mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use is considered not incompatible with the surrounding land uses; concerned government departments had no objection to the application and the technical concerns could be addressed by approval conditions. The planning permission under application No. A/YL-LFS/319 was subsequently revoked on 6.12.2020 due to non-compliance with time-limited approval conditions regarding the implementation of drainage and tree preservation and landscape proposals, as well as provision of fencing. As for the planning permission under application No. A/YL-LFS/390, all the time-limited approval conditions have been complied with, and the permission is valid until 30.4.2024.

6. Similar Applications

- 6.1 Within the same “V” zone, there are nine 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 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 Eight applications (No. A/YL-LFS/327, 345, 388, 427, 429, 431, 464 and 467) involving six sites were approved with conditions by the Committee between 2018 and 2023 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)” (“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 5.3 above, and that majority of the “GB” portion had been formed and used for recreational use under a previous planning permission.

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

- 7.1 The Site is:
- (a) hard-paved, erected with structures, and used for public vehicle park for private cars with valid planning permission under application No. A/YL-LFS/390 until 30.4.2024; 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 immediate north are a site office, cultivated agricultural land and unused land. To the further north across a local track are village houses, parking of vehicles, vacant land, unused land and a pond;

- (b) to the northeast are a vehicle park covered by valid planning permission under application No. A/YL-LFS/394, a village house, cultivated agricultural land, the Sha Kong Wai Aqua Privy and unused land;
- (c) to the southeast are village houses, a vehicle park, vacant land and unused land; and
- (d) to the southwest are a vehicle park covered by valid planning permission under application No. A/YL-LFS/427, village houses, a workshop and unused land.

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

All 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.

10. Public Comment Received During Statutory Publication Period

On 4.7.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on ground that the previous planning permissions were subject to non-compliance with approval conditions.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private cars) and shop and services for a period of five years within the “V” zone of the OZP (**Plan A-1**). Although the proposed uses are not entirely in line with the planning intention of the “V” zone, they could provide private cars parking spaces and serve the retail needs of local villagers/residents. Besides, the 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 five years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 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, some of which are covered by planning permission. The proposed uses are considered not incompatible with the surrounding land uses.

- 11.3 Concerned government departments including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of the Drainage Services Department (CE/MN, DSD) and the Director of Fire Services (D of FS) have no objection to/adverse comments on the application. The proposed uses will unlikely generate significant adverse traffic, environmental, drainage and fire safety impacts on the surroundings. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below.
- 11.4 The Committee had approved two previous applications (No. A/YL-LFS/319 and 390) for temporary public vehicle park use at the Site. There are also nine approved similar applications covering seven sites for temporary public or private vehicle park with or without other use and land/pond filling within/straddling the same “V” zone in the past five years (**Plan A-1**). Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment objecting to the application on ground as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. As regard the concern over compliance with approval conditions, it should be noted that all the time-limited approval conditions under the last approved previous application No. A/YL-LFS/390 have been complied with.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 five years until **25.8.2028**. 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) no car washing, vehicle repairing or any workshop activity is allowed on the Site at any time during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (e) the submission of a condition record of the existing drainage facilities on the Site 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 **25.11.2023**;
- (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 **25.2.2024**;
- (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 **25.5.2024**;
- (h) if any of the above planning condition (a), (b), (c) or (d) 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 condition (e), (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 uses are 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 26.6.2023
Appendix Ia	Supporting Planning Statement
Appendix Ib	SI received on 3.7.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	As-built Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**