

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/485

- Applicant** : Mr. To Sum Kau represented by Metro Planning & Development Company Limited
- Site** : Lots 2794, 2795, 2796, 2798, 2799, 2800, 2831 (Part) and 2832 in D.D. 129, Sha Kong Wai, Yuen Long, New Territories
- Site Area** : About 8,000m²
- 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 Light Goods Vehicles) for a Period of 3 Years and Associated Filling of Land and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars and light goods vehicles) for a period of three years and associated filling of land and excavation of land at the application site (the Site) (**Plan A-1**). 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 and excavation of land require planning permission from the Town Planning Board (the Board). The Site is partly fenced off, under works in progress and largely vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 As shown on the vehicular access plan at **Drawing A-2**, the Site is accessible from Tin Wah Road via an adjoining car park and a local track. As shown on the layout plan at **Drawing A-1**, 173 parking spaces for private cars (5m × 2.5m each) and 16 for light goods vehicles (7m × 3.5m each) are proposed. Also, one single-storey structure (about 4m in height) and with a total floor area of about 60m² would be erected for site office and toilet uses.
- 1.3 According to the applicant, the operation hours of the temporary public vehicle park would be between 7 a.m. and 11 p.m. daily, including public holidays. Drainage facilities (i.e. peripheral surface U-channels) will be provided (**Drawings A-4**).

- 1.4 Moreover, the applicant proposes to fill an area of about 6,930m² (or 86.6% of the Site)¹ with concrete of about 0.2m in depth for parking and circulation purposes. The applicant also proposes to excavate an area of about 258.6m² (or 3.2% of the Site) of about 0.6m in depth for provision of peripheral drainage facilities (**Drawing A-3**).
- 1.5 The Site is involved in four previous applications, including two for temporary public/private vehicle parks which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2022 respectively (details at paragraph 5 below). As compared to the last previous application No. A/YL-LFS/429, the current application is submitted by a different applicant for a similar use at a substantially larger site (+6,516m² or +439.1%).
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 17.8.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 24.8.2023 (**Appendix Ia**)
 - (c) Further Information (FI) received on 14.9.2023* (**Appendix Ib**)

** accepted and exempted from publication requirements*

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 use is a Column 2 use in the “V” zone, and is in line with the planning intention;
- (b) the proposed use is compatible with the surrounding environment;
- (c) there is a shortfall of parking spaces to meet the demand from Sha Kong Wai Village;
- (d) the proposed use intends to address the parking demand of villagers and therefore would not generate additional traffic to Sha Kong Wai Village. The traffic impact would be minimal;
- (e) no medium goods vehicle, heavy goods vehicle and container tractor/trailer would be allowed to be parked at the Site. No vehicle without valid licence would be permitted to be stored at the Site. No car beauty, car repairing and other workshop activity would be carried out on the Site. The environmental impact generated by the proposed use would be insignificant; and
- (f) similar applications have been approved within the same “V” zone.

¹ The remaining part of the Site (about 1,070m² or 13.4%) is covered by a valid planning permission under application No. A/YL-LFS/429 for temporary public vehicle park for private cars for a period of five years with filling of land and pond (with concrete). Hence, the entire Site would be concrete-paved.

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. 31B) 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 filling of land on-site would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in four previous applications for place of recreation, sports or culture (permanent or temporary) and temporary public/private vehicle parks. 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/39 and 424 for recreational uses on a permanent basis and temporary place of recreation, sports or culture with associated filling of land and ponds respectively were approved with conditions by the Committee in 1999 and 2022 respectively. The considerations of these previous applications are not relevant to the current application for temporary public vehicle park.
- 5.3 Application No. A/YL-LFS/327 and 429 (involving a small part of the Site) for temporary public or private vehicle park for private cars with or without filling of land and pond were approved with conditions by the Committee in 2018 and 2022 respectively mainly on considerations that the 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. The planning permission under application No. A/YL-LFS/327 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. The planning permission under application No. A/YL-LFS/429 is valid until 12.8.2027.

6. Similar Applications

- 6.1 Within/straddling the same “V” zone, there are 10 similar applications for temporary public vehicle park for private cars and/or light goods vehicles with or without other use and filling of land in the past five years. All of them were approved with conditions by the Committee between 2019 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/345, 388, 390, 427, 431, 464, 467, 480 and 483) involving six sites were approved with conditions by the Committee between 2019 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-4b)

7.1 The Site is:

- (a) partly fenced off, under works in progress and largely vacant; and
- (b) accessible from Tin Wah Road via an adjoining car park (covered by valid planning permission under application No. A/YL-LFS/394) 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 north and west are predominantly village houses of Sha Kong Wai intermixed with parking of vehicles, cultivated agricultural land, a storage yard, vacant land and unused land;
- (b) to the southeast is a recreational use, namely Tin Shui Wai Greenfield Garden covered by valid planning permission No. A/YL-LFS/424; and
- (c) to the south is a car 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 departments as set out in paragraphs 9.2 and 9.3 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 for car parking spaces.
- (b) The applicant should note his advisory comments in **Appendix IV**.

9.3 The following government department has adverse comments on the application:

Land Administration

9.3.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) He has grave concerns given that there are unauthorised building works and/or uses on Lot 2795, 2796, 2800, 2831 and 2832 in D.D.129 which are already subject to lease enforcement actions. The lot owner(s) should remedy the lease breaches as demanded by LandsD. Also, they are required to notify LandsD in writing if the lease breaches had been remedied. If the lease breaches are confirmed as having been remedied, subject to the payment of any fee as may be imposed by LandsD, arrangements will be made to register a letter in the Land Registry to the effect that the breach mentioned in the warning letter(s) had been remedied to the satisfaction of LandsD.
- (b) There is no Small House application approved/under processing by his office at the Site.
- (c) The applicant should note his advisory comments at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 25.8.2023, 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 grounds that there is no justification for another large-scale car park in the village; the trees on the Site would be affected; the proposed filling of land is in close proximity to a pond which should be preserved; and the proposed development would alter the unique character of the village.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private cars and light goods vehicles) for a period of three years and associated filling of land and excavation 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 could 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, DLO/YL, LandsD 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 proposed to fill an area of about 6,930m² (or 86.6% of the Site) with concrete of about 0.2m in depth, as well as excavate an area of about 258.6m² (or 3.2% of the Site) of about 0.6m in depth for drainage works. Filling and excavation of land 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, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no adverse comment from drainage and environmental perspectives.
- 11.3 The Site is located at the northeast of the recognised village of Sha Kong Wai. The surrounding areas comprise predominately village houses intermixed with, inter alia, parking of vehicles. The proposed development is considered not incompatible with the surrounding land uses.
- 11.4 Other concerned government departments including the Director of Fire Services (D of FS) and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to/adverse comments on the application. The proposed development will unlikely generate significant adverse fire safety and landscape impacts on the surroundings. Regarding the substantiated environmental complaints pertaining to the Site in 2023 related to fly-tipping of construction and demolition waste, they are not related to the proposed development which involves hard-paving of the Site with concrete. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below.
- 11.5 DLO/YL, LandsD raises concern from land administration perspective as there are unauthorised building works and/or use on the Site. To address the concerns of DLO/YL, LandsD, should this application be approved, the applicant will be advised to remedy the lease breaches and follow the relevant land administration procedures as required by LandsD.
- 11.6 The Site is involved in two previous applications for temporary public or private vehicle park for private cars approved by the Committee in 2018 and 2022 respectively. Also, there are ten similar applications covering seven sites 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.
- 11.7 Regarding the public comment objecting to the application 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 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 three years until **13.10.2026**. 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 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 **13.4.2024**;
- (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 **13.7.2024**;
- (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 **13.4.2024**;
- (g) in relation to (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 **13.7.2024**;
- (h) if any of the above planning condition (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 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 proposed 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.

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 with attachments received on 17.8.2023
Appendix Ia	SI received on 24.8.2023
Appendix Ib	FI received on 14.9.2023
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	Vehicular Access Plan
Drawing A-3	Land Filling and Excavation Plan
Drawing A-4	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 and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**