

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-LFS/528**

- Applicant** : 黃國榮 (Mr.) represented by 海願規劃發展公司
- Site** : Lots 2737, 2777 and 2778 (Part) in D.D. 129 and adjoining Government Land (GL), Sha Kong Wai, Yuen Long, New Territories
- Site Area** : About 1,395m<sup>2</sup> (including GL of about 26.7m<sup>2</sup> or 1.9%)
- 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** : (i) “Village Type Development” (“V”) (about 99.4%)  
[Restricted to a maximum building height of 3 storeys (8.23m)]  
  
(ii) “Green Belt” (“GB”) (about 0.6%)<sup>1</sup>
- Application** : Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) for a period of three years and associated filling 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 of land require planning permission from the Town Planning Board (the Board). The Site is currently formed and used for vehicle park without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Wah Road via a local track (**Plan A-3**), with the ingress/egress located at the south of the Site. As shown on the layout plan at **Drawing A-1**, 18 parking spaces for private cars (5m × 2.5m each) are provided. Also, two single-storey structures (about 3m in height) with a total floor area of about 18m<sup>2</sup> would be erected for guard room and electric meter room uses. According to the applicant, the temporary public vehicle park would operate 24 hours daily, including public holidays. No medium goods vehicle, heavy goods vehicle and container tractor/trailer would be allowed to be parked at the Site. No car beauty, car repairing and other workshop activity would be carried out on the Site.

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<sup>1</sup> Regarded as minor boundary adjustment permitted under the covering Notes of the OZP.

- 1.3 Moreover, the applicant proposes to fill the entire Site with concrete of about 0.2m in depth for parking of vehicles (**Drawing A-2**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 5.8.2024 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 9.8.2024 (**Appendix Ia**)
  - (c) Further Information (FI) received on 3.9.2024 (**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 intends to address the parking demand of villagers of the adjacent Sha Kong Wai Village and would not generate additional traffic to the area;
- (b) the applied use is compatible with the surrounding environment; and
- (c) the applied use would not cause any adverse environmental impact.

## **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 at the Site and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

## **4. Background**

The parking of vehicles at the Site and site formation works that have been carried out would be subject to planning enforcement action.

## **5. Previous Application**

The Site was involved in one previous application (A/YL-LFS/39) covering a much larger site for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 1999. The considerations of this previous application is not relevant to the current application which involves a different use. Details of the application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 Within/straddling the same “V” zone, there are 11 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 2021 and 2023. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 11 applications (No. A/YL-LFS/388, 390, 394, 427, 429, 431, 464, 467, 480, 483 and 485) involving seven sites were approved with conditions by the Committee between 2019 and 2023 mainly on similar 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 the technical concerns could be addressed by approval conditions.

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

- 7.1 The Site is:
- (a) formed and used for vehicle park without valid planning permission; and
  - (b) accessible from Tin Wah Road via a local track.
- 7.2 The surrounding areas are predominated by village houses and vehicle parks. Other uses such as recreational use, temple and shrine are also located in the vicinity. Some of the uses are covered by valid planning permissions, while some are suspected unauthorized developments subject to planning enforcement action.

## **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 According to the Explanatory Statement of the OZP, filling 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 paragraphs 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) supports the application from traffic engineering perspective; and
- (b) her advisory comments are in **Appendix IV**.

**10. Public Comment Received During Statutory Publication Period**

On 13.8.2024, 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; and the trees on the Site would be affected.

**11. Planning Considerations and Assessments**

- 11.1 The application is for temporary public vehicle park (private cars) for a period of three years and associated filling of land within the “V” zone of the OZP (**Plan A-1**). Although the applied 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, the District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved or under processing at the Site and has no adverse comment on the application. 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 proposes to fill the entire site (about 1,395m<sup>2</sup>) with concrete of about 0.2m in depth. Filling 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 respectively.
- 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, cultivated agricultural land, and vacant land. The applied use 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 applied use will unlikely generate significant adverse fire safety and landscape impacts on the surroundings. The technical requirements of CE/MN, DSD and D of FS could

be addressed by imposing approval conditions in paragraph 12.2 below.

- 11.5 There are 11 similar applications, covering seven sites within/straddling the same “V” zone, 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 comment objecting to the application as summarised in paragraph 10 above, the trees on the Site would not be affected and the planning considerations and assessments in paragraphs 11.1 to 11.5 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 **4.10.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval Conditions**

- (a) 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 **4.4.2025**;
- (b) in relation to (a) 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 **4.7.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **4.4.2025**;
- (e) in relation to (d) 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 **4.7.2024**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 use with associated filling of land 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**

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| <b>Appendix I</b>          | Application Form with attachments received on 5.8.2024      |
| <b>Appendix Ia</b>         | SI received on 9.8.2024                                     |
| <b>Appendix II</b>         | Previous and Similar Applications                           |
| <b>Appendix III</b>        | Government Departments' General Comments                    |
| <b>Appendix IV</b>         | Recommended Advisory Clauses                                |
| <b>Appendix V</b>          | Public Comment Received During Statutory Publication Period |
| <b>Drawing A-1</b>         | Layout and Vehicular Access Plan                            |
| <b>Drawing A-2</b>         | Land Filling Plan   |
| <b>Plan A-1</b>            | Location Plan with Previous and Similar Applications        |
| <b>Plan A-2</b>            | Site Plan   |
| <b>Plan A-3</b>            | Aerial Photo  |
| <b>Plans A-4a and A-4b</b> | Site Photos   |

**PLANNING DEPARTMENT  
OCTOBER 2024**