

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/338

<u>Applicant</u>	:	Mr. KWOK Ka-hei
<u>Site</u>	:	Lot 721 RP (Part) in D.D. 112, Lin Fa Tei Tsuen, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 396m ²
<u>Lease/ Land Status</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary private vehicle park (private cars only) for a period of 3 years (**Plan A-1**). The applied use is neither a column 1 nor column 2 use within the “V” zone. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently paved and used for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the Site area is about 396m². A total of 12 private car parking spaces are proposed at the Site (**Drawing A-1**). No structures will be erected. The Site is accessible via a local track from Kam Sheung Road (**Plan A-2**), and the operation hours will be 24 hours daily, including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of one previous application (see paragraph 5) for the same applied use submitted by the same applicant. Compared with the previously approved application No. A/YL-SK/259, there is no change in the layout of the development.
- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (Appendix I)
16.11.2022
- (b) Further Information (FI) received on 10.1.2023 (Appendix Ia)
[exempted from publication and recount requirements]
- (c) FI received on 17.2.2023 (Appendix Ib)
[exempted from publication and recount requirements]

1.5 On 13.1.2023, the Committee agreed to the applicant's request to defer making a decision on the application for a total of two months in order to allow time for the applicant to prepare FI to address departmental comments.

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** and summarized as follows:

there are insufficient car parking spaces to serve nearby residents. The proposed development would fulfill nearby residents' parking needs.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is one of the current land owners and has complied with the requirement 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 obtaining the consent of another current land owner of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

The Site is the subject of one previous application (No. A/YL-SK/259) for the same applied use and submitted by the same applicant. It was approved with conditions by the Committee on 17.1.2020 on the considerations that approval of the development would not jeopardize the long-term planning intention of the "V" zone; it was not incompatible with the surrounding environment; and relevant government departments consulted generally had no adverse comment on the application. However, the planning permission was revoked on 17.1.2021 due to non-compliance with approval conditions. Details of the previous application are summarized in **Appendix II** and the location is shown on **Plan A-1**.

6. **Similar Application**

There is no similar application for private car park use within the same “V” zone on the OZP.

7. **The Site and Its Surrounding Areas (Plans A-2 to A-4b)**

7.1 The Site is:

- (a) currently paved and used for parking of private cars; and
- (b) is accessible from Kam Sheung Road via a local track.

7.2 The surrounding areas are predominantly rural in character intermixed mostly with domestic structures/dwellings and vacant land (**Plans A-2 and A-3**):

- (a) to its south, east and west are domestic structures/dwellings;
- (b) to its north is Kam Sheung Road, and to its further north across Kam Sheung Road are domestic structures/dwellings in the adjacent “V” zone; and
- (c) along its southeastern boundary are existing watermains.

8. **Planning Intention**

The planning intention of the “V” zone is primarily to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

Government departments consulted have no objection to or no adverse comment on the application. Their 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**

The application was published for public inspection. During the statutory public inspection period, 1 public comment was received from an individual. The individual raises objection to the application mainly on the grounds that the proposed development

will result in adverse traffic, environmental and fire safety impacts, affecting the safety and living quality of local villagers (**Appendix V-1**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private vehicle park (private cars only) at the Site for a period of 3 years. The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Although the proposed use is not entirely in line with the planning intention of the “V” zone, DLO/YL of LandsD advises that there is no Small House application approved or currently under processing at the Site. Approval of the application on a temporary basis would not frustrate the long term planning intention of the “V” zone.
- 11.2 According to the applicant, the temporary private vehicle park will serve nearby residents and fulfill their parking needs. The applied use comprising only 12 private car parking spaces with no structures to be erected is considered not incompatible with the surrounding land uses which are predominantly rural in character intermixed mostly with domestic structures/dwellings and vacant land (**Plan A-2**). Relevant government departments consulted, including C for T, DEP, CE/MN of DSD and D of FS have no objection to/no adverse comment on the application. It is anticipated that the proposed development would not have significant adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions as suggested in paragraphs 12.2 (a) to (e). Besides, the applicant will be advised to observe the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact.
- 11.3 The Site is the subject of one previous application involving the same applied use submitted by the same applicant as the current application. It was approved with conditions on 17.1.2020 for a period of 3 years. Although the applicant submitted Fire Services Installations proposal on 4.7.2020, it was rejected by D of FS on 14.7.2020. Subsequently, the approval was revoked on 17.1.2021 due to non-compliance with conditions relating to the submission and implementation of drainage proposal and fire service installations proposal. Compared with the previously approved application, the current application is the same in terms of layout. As there has been no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. The applicant will also be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.4 Regarding the public comment received during the statutory publication period, the departmental comments and the planning considerations and assessments 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 considers that the proposed temporary private vehicle park (private cars only) could be tolerated for a period of 3 years.
- 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 3 years until 3.3.2026. 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 **3.9.2023**;
- (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 **3.12.2023**;
- (c) 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 **3.9.2023**;
- (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 **3.12.2023**;
- (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 conditions (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 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 to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of

village houses affected by Government projects. No strong planning justification has been given 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 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 the 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachments Received on 16.11.2022
Appendix Ia	FI Received on 10.1.2023
Appendix Ib	FI Received on 17.2.2023
Appendix II	Previous Application
Appendix III	Government Departments' Comments
Appendix IV	Recommended Advisory Clauses
Appendix V-1	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**