

RNTPC Paper No. A/YL-SK/342  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 5.5.2023

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

**APPLICATION NO. A/YL-SK/342**

**Applicant** : Bestway Properties Investment Limited

**Site** : Lots 633 S.J ss.2, 633 S.AC, 633 S.I ss.2, 633 S.J ss.3, 633 S.AA, 633 S.AB  
in D.D. 112, Pat Heung, Yuen Long, New Territories

**Site Area** : About 23.9m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9

**Zoning** : “Village Type Development” (“V”)  
  
*[Maximum building height of 3 storeys (8.23m)]*

**Application** : Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period  
of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary private vehicle park (private cars only) for a period of 3 years and filling of land. The Site falls within an area zoned “V” on the approved Shek Kong OZP (**Plan A-1**). The proposed use is neither Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). Filling of land within “V” zone also requires planning permission from the Board. The Site is currently vacant and paved (**Plan A-4**).
- 1.2 According to the applicant, two private car parking spaces will be provided at the Site. No structure and no fence will be erected at the Site (**Drawing A-1**). The entire Site has already filled up (by about 0.15m to raise the site level up to 16.2mPD) for the two proposed car parking spaces. The Site is accessible via a local track from Shek Kong Airfield Road (**Plan A-1**). 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 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 8.3.2023 (Appendix I)
- (b) Further Information received on 27.4.2023 (Appendix Ia)  
(*exempted from publication and recount requirements*)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form and further information at **Appendices I** and **Ia** are briefly summarised as follows:

- (a) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone. The applicant would visit the Site regularly and there is a need for car parking spaces at the Site; and
- (b) the filling of land is for paving the cement surface to reduce dust to the ground and prevent mud spreading over the ground in rainy days.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is one of the current land owners of the Site and has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 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 currently not subject to any active planning enforcement action.

## **5. Previous Application**

There is no previous application covering the Site.

## **6. Similar Applications**

There are two similar applications (A/YL-SK/259 and 338), involving the same site, for temporary private vehicle park (private cars only) in the same “V” zone in the vicinity of the Site in the past five years. These applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) in January 2020 and March 2023 respectively mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of “V” zone; the

private car parks were not incompatible with the surrounding land uses; and relevant Government departments consulted had no objection to or no adverse comment on the applications. Nevertheless, the planning permission of Application No. A/YL-SK/259 was revoked in January 2021 due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

### **7.1 The Site is:**

- (a) currently vacant and paved; and
- (b) accessible from Shek Kong Airfield Road via a local track.

### **7.2 The surrounding areas are predominantly rural in character intermixed mostly with domestic structures/dwellings and vacant land:**

- (a) to its northeast, east and south are domestic structures/dwellings of Shui Lau Tin Tsuen and parking of vehicles; and
- (b) to its west is a plant nursery and active/fallow farmland, and to its northwest is a holiday camp approved under planning application No. A/YL-SK/337.

## **8. Planning Intention**

8.1 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 New Territories Exempted Houses. Other commercial, community and recreational uses may be permitted on application to the Board.

8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

## **9. Comments from Relevant Government Bureau/Department**

The Government bureau/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 the Statutory Publication Period**

During the statutory publication period, no public comment was received.

#### **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary private vehicle park (private cars only) for a period of 3 years and filling of land of the entire Site by about 0.15m in depth for the proposed use in the “V” zone. 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 temporary basis would not frustrate the long-term planning intention of the “V” zone. Filling of land within the “V” zone requires planning permission from the Board. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.
- 11.2 The proposed use is for provision of two private car parking spaces. It is considered not incompatible with the surrounding areas which are rural in character intermixed mainly with active/fallow farmland, domestic structures/dwellings, parking of vehicles and vacant land.
- 11.3 Taking into account its nature and small scale of the development, it is envisaged that the proposed use would unlikely result in adverse traffic, environmental, drainage and fire safety impacts. Relevant departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on the application. To minimise any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by Environmental Protection Department.
- 11.4 There are two similar applications for temporary private vehicle park (private cars only) involving the same site within the same “V” zone approved by the Committee in January 2020 and March 2023 respectively (paragraph 6 and **Plan A-1** refer). The Committee’s considerations on these two similar applications are generally applicable to the current application. Approval of this application is in line with the Committee’s previous decisions.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the proposed temporary private vehicle park (private cars only) for a period of 3 years and filling of land.
- 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 5.5.2026. 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 5.11.2023;
- (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 5.2.2024;
- (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 5.11.2023;
- (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 5.2.2024;
- (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 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 reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form received on 8.3.2023
<b>Appendix Ia</b>	Further information received on 27.4.2023
<b>Appendix II</b>	Similar applications within the same “V” zone in the vicinity of the Site
<b>Appendix III</b>	Government Departments’ General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2023**