

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-SK/344

<u>Applicant</u>	:	SAR Engineering Limited represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	:	Lot 782 (Part) in D.D.114 and Adjoining Government Land, Kam Sheung Road, Yuen Long
<u>Site Area</u>	:	About 1,464.5m ² (including Government land of about 25m ² or 1.7%)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary car park (private cars and light goods vehicles) for a period of 3 years (**Plan A-1a**). The Site is zoned “V” on the Shek Kong OZP. According to the Notes for “V” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is paved and currently used for the applied use with a valid planning permission under Application No. A/YL-SK/278.
- 1.2 The Site is the subject of nine previous applications. The last application No. A/YL-SK/278, for renewal of the same applied use submitted by the same applicant, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 29.5.2020 for a period of 3 years. All approval conditions have been complied with and the planning permission is valid until 9.6.2023.
- 1.3 According to the applicant, the current application is the same as the last approved application (No. A/YL-SK/278) in terms of the applied use, site area/boundary,

layout, major development parameters, and numbers and types of parking spaces. The Site is accessible from Kam Sheung Road via a local track (**Plan A-2**). A total of 27 parking spaces, including 15 for private cars and 12 for light goods vehicles (LGVs), and one single-storey structure with a gross floor area of 54m² and height of about 3m for ancillary office and storeroom uses are provided at the Site (**Drawing A-1**). The operation hours are from 8:00 a.m. to 10:00 p.m. daily. The layout plan, tree preservation and landscape plan, and drainage plan submitted by the applicant are shown in **Drawings A-1 to A-3**.

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

- (a) Application form with planning statement received on 18.4.2023 (**Appendix I**)
- (b) Further Information received on 19.5.2023 (**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 **Appendices I and Ia**. They can be summarised as follows:

- (a) The application is for renewal of the last approved application (No. A/YL-SK/278). All approval conditions have been complied with. The number and type of parking spaces provided, operation hours and the major development parameters of the structure remain the same as the last approved application.
- (b) The site is the subject of previously approved applications for same temporary car park uses. Approval of the current application will be in line with the previous decisions of the Board.
- (c) The car park intends to serve the residents in the vicinity and alleviate the illegal roadside parking problem. It is considered compatible with the surrounding environment.
- (d) The application solely involves parking of private cars and LGVs, and no medium or heavy goods vehicle over 5.5 tonnes or container tractors/trailer will be allowed to be parked at the Site. No car beauty, cleaning, repairing, dismantling or other workshop activity will be conducted at the Site.
- (e) The development will not generate adverse visual, landscape, drainage and traffic impacts. All existing trees and existing drainage facilities on the Site will be properly maintained at all times.

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

The applicant is not the current land owner of the private land portion of the Site 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 Town Planning Ordinance (TPB PG-No. 31A) by posting site notice at the Site and notifying the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land portion, the “Owner’s Consent/Notification” Requirements is not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of nine previous applications including three (A/YL-SK/1, 29 and 53) for temporary workshop and market uses respectively which are not relevant to the current application, and six applications for temporary car park uses. Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1b**.
- 6.2 Among the six previous applications for the same temporary car park uses, while one application (No. A/YL-SK/117) was rejected by the Committee in 2003, five applications (No. A/YL-SK/137, 158, 196, 221 and 278) were approved with conditions by the Committee/upon review by the Board between 2007 and 2020.
- 6.3 The last application (No. A/YL-SK/278), for renewal of planning permission for temporary public vehicle park, was approved with conditions by the Committee on 29.5.2020 for a period of 3 years mainly on the grounds that there had been no material change in planning circumstances and land uses of surrounding areas since the previous temporary approval was granted; approval of the application on a temporary basis would not frustrate the long-term planning intention; the development was not incompatible with the surrounding rural land uses; relevant Government departments in general had no objection or their technical concerns could be addressed by appropriate approval conditions; and the renewal application complied with the then TPB-PG No. 34C.

7. Similar Application

There is no similar application for temporary car park use in the same “V” zone.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4b)

8.1 The Site is:

- (a) paved and currently used for the applied use with a valid planning permission; and
- (b) is accessible from Kam Sheung Road via a local track.

8.2 The surrounding areas are rural in character intermixed with domestic structures/dwellings, parking of vehicles, open storage yards and storage yards (of which some are suspected unauthorised developments subject to planning enforcement actions), plant nurseries, fallow agricultural land and vacant/unused land:

- (a) to its north, northeast, and south are some residential dwellings/structures intermixed with Sheung Tsuen Village Office, a telephone exchange substation, fallow agricultural land and unused land;
- (b) to its further north across Kam Shueng Road is Shueng Tsuen Park;
- (c) to its east and further south are plant nurseries and some residential structures/dwellings; and
- (d) to its west are open storage yards.

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

10. Comments from Relevant Government Departments

The Government 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 IV** and **V** respectively.

11. Public Comment Received During the Statutory Publication Period

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

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years at the Site zoned “V” on the OZP (**Plan A-1**). 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 applied 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.
- 12.2 The temporary car park is considered not incompatible with the surrounding areas which are rural in character intermixed mainly with domestic structures/dwellings, parking of vehicles, open storage yards, plant nurseries, fallow agricultural land and vacant/unused land.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that the current application is same as the last application in terms of the applied use, site area/layout and major development parameters; the applicant has complied with all the approval conditions; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in planning circumstances since the granting of the previous approval.
- 12.4 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 13.2 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.
- 12.5 The Site is the subject of five previous approvals for the same temporary car park uses which were approved with conditions by the Committee/upon review by the Board between 2007 and 2020 (paragraph 6 and **Plan A-1b** refer). The Committee’s considerations on these previous applications are generally

applicable to the current application. Approval of this application is in line with the Committee's previous decisions.

- 12.6 There is no public comment was received during the statutory public inspection period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the application.
- 13.2 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, and be renewed from 10.6.2023 until 9.6.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) the existing 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 commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.12.2023;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.3.2024;
- (f) if any of the above planning condition (a), (b) or (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 (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.

[The above approval conditions are largely the same as those under the previous approved application No. A/YL-SK/278, except deletion/revision of approval conditions related to the operation hours, and traffic, drainage and landscape aspects based on the latest comments of C for T, CE/MN of DSD and CTP/UD&L of PlanD.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the renewal application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form with Planning Statement received on 18.4.2023
Appendix Ia	Further Information received on 19.5.2023
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Tree Preservation and Landscape Plan
Drawing A-3	Drainage Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos