

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

**APPLICATION NO. A/YL-SK/349**

<b><u>Applicant</u></b>	:	Sino Express Intelligence Co. Limited represented by Mr. PANG Hing Yuen
<b><u>Site</u></b>	:	Lot 631 RP in D.D. 112, Shui Lau Tin, Shek Kong, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	1,325m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Public Vehicle Park with Electric Vehicle Charging Facility for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (PVP) with electric vehicle (EV) charging facility for a period of 3 years and filling of land at the application site (the Site). The Site falls within an area zoned “AGR” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). Filling of land within “AGR” zone also requires planning permission from the Board. The Site is currently vacant and covered with weeds (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible via local tracks from Shek Kong Airfield Road (**Plans A-1 and A-2**). According to the applicant, a total of 48 parking spaces for private cars and electric taxis will be provided. 39 of them will be fee-paying parking spaces and equipped with EV charging facilities, including six direct current (DC) chargers with output power of 180kW and 33 alternating current (AC) chargers with output power of 22kW. The remaining nine parking spaces will be designated as waiting spaces for the charging facilities and will be free of charge. The proposed use also involves erection of three 1-storey structures with total floor area of about 88m<sup>2</sup> and building height of not more than 3m for ancillary

office, lounge and transformer room. The entire Site will be paved with concrete of about 0.2m in depth (from about +15.1mPD to about +15.3mPD). No vehicle exceeding 3.3 tonnes will be allowed to enter or park at the Site. The proposed operation hours will be 24 hours daily, including public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application Form with attachments received on (Appendix I)  
5.7.2023
- (b) Further Information (FI) received on 11.9.2023\* (Appendix Ia)
- (c) FI received on 7.12.2023\* (Appendix Ib)

*\* accepted and exempted from publication and recounting requirements*

1.4 At the request of the applicant, the Committee on 25.8.2023 and 10.11.2023 agreed to defer making a decision on the application.

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ib** and summarized below:

- (a) The proposed use is intended to serve nearby residents in Shui Lau Tin Tsuen and electric taxis. It is not incompatible with the surrounding land uses. Vehicles exceeding 3.3 tonnes are not allowed to enter or park at the Site.
- (b) The proposed PVP, which would provide car parking spaces with charging facilities for EVs, is generally in-line with the government policy on promotion of EVs. EV taxis for commercial use will also be allowed to enter the Site, and six of the parking spaces equipped with DC chargers will be designated for them. The proposed PVP can meet the increasing demand for car parks with charging facilities for EVs.
- (c) With the proposed power transformer room, sufficient electricity to all the charging devices can be provided.

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

The applicant is not the “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 Town Planning Ordinance (TPB PG-No.31A) by obtaining the consent of the owner. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Background**

The Site is subject to a planning enforcement case (No. E/YL-SK/247) against an Unauthorized Development (UD) involving use for place for parking of vehicles. Reinstatement Notice was issued on 24.5.2023 requiring reinstatement of the concerned land. Subsequent site inspection revealed that the UD had been discontinued and the concerned land had been reinstated. The compliance notice was issued on 10.10.2023.

#### 5. **Previous Application**

There is no previous application covering the Site.

#### 6. **Similar Application**

There is no similar application within the same “AGR” zone in the past five years.

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

7.1 The Site is:

- (a) currently vacant and covered with weeds; and
- (b) accessible from Shek Kong Airfield Road via local tracks on the east and northeast.

7.2 The surrounding areas are predominantly rural in character with village houses, domestic dwellings/structures, agricultural land, a plant nursery, temporary holiday camps and vacant/unused land (**Plans A-2 and A-3**).

#### 8. **Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. According to the Notes and Explanatory Statement of the OZP, filling of land in “AGR” zone also requires permissions from the Board as the activities may cause adverse drainage and environmental impacts on the adjacent areas.

#### 9. **Comments from Relevant Government Departments**

9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 to 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 II** and **III** respectively.

9.2 The following bureau and government department support the application:

**Policy Aspect**

9.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) he supports the applicant's proposal of using the Site as a PVP with EV charging facilities and has no objection to this application from EV charging point of view since it is in line with the Government's policies and directions in promoting the wider use of EVs in Hong Kong; and
- (b) according to the Chief Executive's 2023 Policy Address, the Government aims to formulate a citywide green transformation roadmap and timetable for public buses and taxis in the first half of 2024, and provide support to realise the goal of introducing about 3,000 electric taxis by the end of 2027. A comprehensive quick charging network is needed to effectively support the operations of electric commercial vehicles and achieve the aforesaid target. In this connection, the Environment and Ecology Bureau (EEB) suggests the applicant consider installing quick chargers (e.g. with output power of 100kW or higher) at the Site and opening up a certain number of charging spaces for electric commercial vehicles for use, e.g. electric taxis and electric light goods vehicles.

**Transport**

9.2.2 Comments of the Commissioner for Transport (C for T):

- (a) she is supportive to the application from traffic engineering perspective to address the local demand for car parking spaces; and
- (b) her advisory comments are at **Appendix III**.

9.3 The following government departments do not support/have adverse comments on the application:

**Agriculture and Nature Conservation**

9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the "AGR" zone and is vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries. ADFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) no comment on the application from nature conservation perspective.

### **Landscape**

#### 9.3.2 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) there is concern that approval of the application may alter the landscape character of the area within the “AGR” zone; and
- (b) significant adverse landscape impact on landscape resources arising from the proposed use is not anticipated.

### **10. Public Comments Received During Statutory Publication Period**

The application was published for public inspection on 14.7.2023. During the statutory public inspection period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation and an individual (**Appendices IV-1 to IV-2**). Kadoorie Farm & Botanic Garden Corporation considers that the facility should be concentrated within the “V” zone; and raises concerns on whether filling of land would affect the arability of the Site. Another public comment raises concerns on any enforcement action taken against the use of parking of vehicles at the Site prior to planning approval.

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

- 11.1 The applicant seeks planning permission for proposed temporary PVP with EV charging facility for a period of 3 years and filling of land at the Site zoned “AGR” on the OZP. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed use is not in line with the planning intention of the “AGR” zone, and DAFC does not support the application from agricultural perspective. The Site is located at the fringe of the “AGR” zone neighbouring the “V” zone covering Shui Lau Tin Tsuen. According to the submission, the proposed use is intended to serve the nearby residents and also electric taxis. C for T supports the planning application from traffic engineering perspective in meeting the local demand for car parking spaces. SEE also supports the proposed use as it is in line with the Government’s policies and directions in promoting the wider use of EVs. Taking into account C for T and EEB’s support and the planning assessments below, the proposed use on a temporary basis of 3 years could be tolerated.
- 11.2 Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.

- 11.3 The proposed use is considered not incompatible with the surrounding land uses intermixed with village houses. While raising concern that approval of the application would alter the landscape character of the area within the “AGR” zone, CTP/UD&L of PlanD considers that significant adverse impact on landscape resources arising from the proposed use is not anticipated.
- 11.4 Other relevant departments consulted, including the Director of Fire Services and the Director of Electrical and Mechanical Services, have no objection or no adverse comments on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. An approval condition requiring the provision of EV charging facilities for all the fee-paying car parking spaces within the proposed PVP is also recommended. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the possible environmental nuisance generated by the proposed use.
- 11.5 For the public comments raising concerns and objecting to the application mentioned in paragraph 10, the departmental comments and planning assessments as stated 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 comments as mentioned in paragraph 10, the Planning Department considers that the proposed use 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 26.1.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) all fee-paying car parking spaces provided at the site shall be equipped with electric vehicle charging facilities, as proposed by the applicant;
- (b) no vehicles exceeding 3.3 tonnes are allowed to be parked/stored on or enter/exit the site during operational hours, as proposed by the applicant, during the planning approval period;
- (c) no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) 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 26.7.2024;

- (e) in relation to (d) 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 26.10.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installation 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 26.7.2024;
- (h) in relation to (g) 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 26.10.2024;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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;
- (j) if any of the above planning condition (d), (e), (g) or (h) 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; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use and filling of land are not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. 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 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 with attachments received on 5.7.2023
<b>Appendix Ia</b>	FI received on 11.9.2023
<b>Appendix Ib</b>	FI received on 7.12.2023
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendices IV-1 to IV-2</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2024**