

RNTPC Paper No. A/YL-SK/367
For Consideration by the
Rural and New Town
Planning Committee
on 7.6.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/367

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 211 S.A, 211 S.B, 211 S.C, 211 S.D, 211 S.E, 211 S.F, 211 S.G, 211 S.H, 211 S.I, 211 S.J, 211 S.K, 211 S.L, 211 S.M, 211 S.N and 211 RP in D.D. 112, Shek Kong, Yuen Long
<u>Site Area</u>	:	About 2,798m ²
<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>	:	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land at the application site (the Site), which falls within an area zoned “V” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of “V” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which 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 mostly vacant and partly occupied with a vacant container-converted structure near the southern corner, fenced-off and mostly hard-paved with asphalt and partly covered with weeds (**Plan A-4**).
- 1.2 According to the applicant, the proposed use involves 40 parking spaces for private cars and 10 parking spaces for light goods vehicles (**Drawing A-1**). The applicant also proposes to regularise hard paving of the entire Site with asphalt of about 0.1m in depth (from +26.6mPD to +26.7mPD) for parking of vehicles and vehicular circulation (**Drawing A-2**). The existing container-converted structure will be removed. The proposed operation hours will be 24 hours daily including public holidays. As proposed by the applicant, no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer will be parked on the Site.

The Site has its ingress/ egress point in the north which is accessible from Kam Sheung Road via a local track (**Drawing A-1 and Plan A-2**). 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 supplementary information (**Appendix I**)
received on 9.4.2024
- (b) Further Information (FI) received on 21.5.2024* (**Appendix Ia**)
- (c) FI received on 28.5.2024* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed temporary public vehicle park could provide parking spaces for local villagers of Lai Uk Tsuen.
- (b) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out on the Site.
- (c) The applicant undertakes to comply with relevant approval conditions which may be imposed by government departments.
- (d) There might be some Small House (SH) applications within the Site under processing. The applicant undertakes to cease the operation and vacant the Site once any of the SH applications is approved.

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 Town Planning Ordinance (TPB PG-No. 31B) by posting site notices at the Sites and sending notice to the Pat Heung Rural Committee by registered post. 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**

There is no previous application covering the Site.

6. **Similar Application**

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

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

7.1 The Site:

- (a) is mostly vacant and partly occupied with a vacant container-converted structure near the southern corner, fenced-off and mostly hard-paved with asphalt and partly covered with weeds; and
- (b) has an ingress/ egress in the north which is accessible from Kam Sheung Road via a local track.

7.2 The surrounding areas are rural in character comprising predominantly village houses/ residential dwellings/ residential developments (including the existing Jazz Garden), car parks and fallow agricultural land.

8. **Planning Intention**

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 SHs 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 the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

The Commissioner for Transport (C for T) supports the application on the ground that the proposed use can address local parking demand. 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.

10. Public Comments Received During Statutory Publication Period

The application was published for public inspection on 16.4.2024. During the statutory public inspection period, three public comments from the representative of the Incorporated Owners of Jazz Garden Phase I (Old Wing), a resident of Pat Heung Sheung Tsuen and an individual were received (**Appendices IV-1 to IV-3**). They raise objection to/concerns about the application mainly on the grounds that the proposed vehicle park will result in adverse traffic impacts and safety problems, and the Site has been paved and operated for parking use without provision of drainage facilities and fire services installation.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and filling of land at the Site zoned “V” (**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 the “V” zone is primarily intended for development of SHs by indigenous villagers, and other commercial, community and recreational uses may be permitted on application to the Board. As advised by the District Lands Officer/Yuen Long of the Lands Department (DLO/YL of LandsD), there are 7 SH applications under processing within the Site. However, he has no objection to the application. In addition, the applicant undertakes to cease the operation and vacant the Site once any of the SH applications is approved. According to the applicant, the proposed use is intended to serve the local villagers of Lai Uk Tsuen. Although the proposed use is not entirely in line with the planning intention of the “V” zone, C for T supports the application from traffic engineering perspective to address the local demand for parking spaces. It is considered that temporary approval of the application for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses intermixed with village houses/ residential dwellings/ residential developments, car parks and fallow agricultural land. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L of PlanD) considers that no significant adverse landscape impact arising from the proposed use is anticipated.
- 11.4 Other relevant departments consulted, including the Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection

Department to minimise any potential environmental nuisance by the proposed use.

- 11.5 Regarding the public comments received during the statutory public inspection period of the application as detailed in paragraph 10, the planning assessment and departmental comments above as well as relevant approval conditions recommended in paragraph 12.2 below 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 has no objection to the proposed use on a temporary basis for a period of three 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 three years until 7.6.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time, as proposed by the applicant, during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) the submission of a revised 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 7.12.2024;
- (d) in relation to (c) above, the implementation of the revised 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 7.3.2025;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted 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 7.3.2025;
- (g) if any of the above planning condition (a), (b) or (e) 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
- (h) if any of the above planning condition (c), (d) or (f) 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 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 with filling of land is not in line with the planning intention of the "V" zone which is to reflect existing recognised 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 SHs by indigenous villagers. 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

Appendix I	Application Form with attachments received on 9.4.2024
Appendix Ia	FI received on 21.5.2024
Appendix Ib	FI received on 28.5.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendices IV-1 to IV-3	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
JUNE 2024**